



# TOWN OF NOTTINGHAM SUBDIVISION REGULATIONS

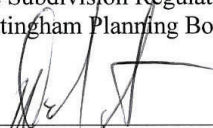
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Prepared by the  
Nottingham Planning Board




**SUBDIVISION REGULATIONS  
PLANNING BOARD, TOWN OF NOTTINGHAM**

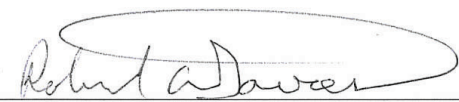
The Subdivision Regulations herein were adopted pursuant to RSA 675:6 by a majority of the Nottingham Planning Board on September 23, 2015.

  
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Chairperson


  
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Vice Chairperson

  
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Secretary

  
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Selectmen's Representative

  
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Member

  
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## **PART I – THE SUBDIVISION PROCESS**

### **ARTICLE 1 – AUTHORITY**

Under the authority vested in the Nottingham Planning Board by Town Meeting vote, and in accordance with New Hampshire State Law, including but not limited to, Chapters 672 through 677 (as amended), particularly sections 674:35 and 674:36 of the Revised Statutes Annotated (RSA) of the State of New Hampshire, the Nottingham Planning Board, herein after referred to as the “Board”, adopts the following regulations governing the subdivision of land within the Town of Nottingham, New Hampshire. These regulations repeal and replace all previously adopted subdivision regulations.

### **ARTICLE 2 – PURPOSE**

The general purpose of these regulations is to protect the public health, safety, convenience, prosperity and general welfare of the Town, consistent with the policies of the Master Plan, as lots are divided, new land use patterns are established, and new roads and other infrastructure are built. Throughout these regulations, the Board seeks to balance the process of growth, development, and change with the need to protect and enhance those qualities that make Nottingham a safe and desirable place to live, work, and visit. In keeping with this general purpose, the following are specific objectives of these regulations.

- 1) **Prevent Scattered and Premature Development** – Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
- 2) **Harmony with Town** – Development of subdivisions shall be harmonious with the Town and its environs. Developments must contribute to a rational and safe transportation system, provision of appropriate recreational opportunities, and must be consistent with the recommendations of the Nottingham Master Plan.

- 3) **Provide Adequate Open Space** – Provide adequate open space, neighborhood parks, and other recreation areas with adequate public access, and preservation of unique or significant natural features.
- 4) **Proper Spacing and Patterns** – Provide for proper spacing and patterns of properties and buildings to ensure adequate sunlight and air circulation, access for firefighting apparatus and equipment to buildings, and establishment of land use patterns compatible with traditional New England design, especially in new residential neighborhoods.
- 5) **Character of Land** – Ensure that land is of sufficient character to be used for building purposes without the danger to health, (including air, water and noise pollution), or to wildlife and the environment, and additionally ensuring that development does not exceed the capability of the land to safely provide on-site water supply and sewage disposal
- 6) **Safety and Convenience Improvements** – Require proper arrangement, design, and construction of streets, sidewalks, pedestrian and bicycle paths, and other transportation improvements to compose a safe, convenient and environmentally compatible system and provides access for fire-fighting apparatus and equipment to building sites.
- 7) **Proper Arrangement of Streets** - Ensure that proposed streets shall be properly arranged and coordinated in relation to other existing or planned streets, including adequate width to accommodate existing and prospective traffic. Such street design shall be suitable for erosion, sediment and pollution control methods and shall show protection for open space, wetland protection and wildlife habitats.
- 8) **Adequate Services and Utilities** – Subdivided land shall be provided with adequate services and utilities.

### **ARTICLE 3 – JURISDICTION**

The Nottingham Subdivision Regulations, hereafter referred to as “these regulations,” shall govern all subdivision of land within the Town of Nottingham. The Board shall require the submission and approval of plans and applications: prior to the transfer, sale, lease or rental of lots or any other portion of a subdivision; before construction, land clearing, or building development is begun; prior to recording of any plat or plan showing the subdivision of land at the Rockingham Registry of Deeds.

In all cases, no building permit shall be issued by the building inspector for construction of any building on land subject to these regulations, until final approval is granted by the Board, and no certificate of occupancy shall be issued until the terms and conditions of the Board’s subdivision have been fulfilled.

### **ARTICLE 4 – VALIDITY**

## **4.1 Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The Board may seek information or requirements above these regulations in circumstances requiring greater protection for health, safety and welfare of Nottingham citizens.

## **4.2 Conflicting Provisions**

Where any section of these regulations conflicts with another or with any other local regulations or ordinance, the requirement imposing the greater restriction or higher standard shall apply. In addition, the fact that a requirement under these regulations is less restrictive than federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute.

## **4.3 Saving Clause**

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision, or portion of these regulations.

# **PART II – THE APPLICATION PROCESS**

## **ARTICLE 5 – OVERVIEW OF APPLICATION PROCESS**

The subdivision application and review process can be a complicated procedure that involves the consideration of large amounts of information and input from many participants. The information presented in this article is intended to serve as recommended actions for assisting the applicant through the review process while also helping the Board efficiently and thoroughly carry out its charge as provided for under state statute.

## **5.1 Designated Representatives**

In order to expedite the subdivision review process for the applicant and the Town, both parties shall designate an agent that will have primary contact responsibility throughout the process.

- 1) **Applicant's Representative** – The subdivision application requires designation of one person to act as the “authorized representative.” All communication to the applicant should be made through this person and this person should be present at all meetings with the Board.

In the text of these regulations, references to the applicant shall also imply the authorized representative.

- 2) **Town's Representative** – All communications to the Town shall be directed to the Planning Board Land Use Clerk, who will act as the Board's agent, unless otherwise indicated by the Chairman of the Board. The Board's agent will be responsible for receiving applications, plans and any and all documents required for an application submittal or as requested by the Board. The Board's agent will be responsible for checking that all submitted applications, plans and documents meet the requirements of these regulations. The appointed agent may also be charged with inspecting improvements for compliance with the Board's approval and the requirements of these regulations.

## **5.2 Professional Assistance**

Applicants will most likely need to hire professionals to prepare part or all of their application. In all cases where a plan is to be recorded, a New Hampshire Licensed Land Surveyor is required to prepare the subdivision plat. In some cases, other specialists will be needed, such as a licensed Professional Engineer, an attorney, or a soil scientist. The skills and abilities of these professionals are essential to ensure that the Town and applicant have sound information in which to base their decisions.

## **5.3 Shared Responsibilities**

The Board will attempt to process all applications as fairly as possible. To accomplish this, the applicant must share certain responsibilities. The applicant must be properly prepared which includes reading these regulations in order to understand the requirements that must be addressed, and dealing with all the significant issues as early in the process as possible. Incomplete submittals or failure to properly address issues will result in unnecessary delays in obtaining a final decision for the Board.

## **5.4 Requests for Waivers**

The applicant must submit all waiver requests in writing with the application at the time of filings on forms supplied by the Board. In general, the Board will rule on waivers at the initiation of the process. Some unforeseen issues, however, may require a waiver to be addressed at a later time in the review process. All waivers must be granted prior to final approval.

## **5.5 General Application Process**

The application process is similar for all applications, although the amount of work and time to obtain an approval can vary widely. All applications follow the basic process outlined below.

- 1) **Application Preparation** – The applicant prepares the application on forms supplied by the Land Use Clerk. This may involve some discussion with the Board or designated agent through conceptual consultations or design review meetings.
- 2) **Application Completeness Review** – Following filing at the Planning Office the applications will be reviewed for completeness by the Board or their designated agent. In accordance with RSA 676:4(I) (c)(1) the Board must make a determination within thirty (30) days as to the completeness of the application.
- 3) **Application Acceptance** – Upon submittal of the application materials to the Town, and favorable completeness review, the application is placed on the next available Planning Board agenda for consideration. Per RSA 676:4 I (d), there is a minimum lead-time of ten (10) days in order to allow for notification of abutters. The application may only be accepted as complete at a public hearing where notice has been given to the abutters.
- 4) **Scattered and Premature Development/Regional Impact** - The Board may make certain initial findings that a proposed development is scattered and premature or is a development of regional impact per RSA 36:54-58, which may lead to modification of the application, additional public hearings, or could result in denial.
- 5) **Road Layout** – The Board may require extra meetings to discuss road layout and function before it will accept or review final road design plans. This allows transportation issues to be discussed conceptually before the exact details of specific designs are developed.
- 6) **Public Hearing** – All complete applications shall have a public hearing. This is the official opportunity for the public to ask questions about the application, to raise issues, offer suggestions, or indicate their support or opposition. The hearing may be interspersed with periods of deliberation by the board, and may be continues to future dates.
- 7) **Decision** – Ultimately, the Board must decide whether to approve or deny the application and plans. Where approval is warranted the Board may approve the application/plan with conditions, which means that there are additional administrative or technical requirements that must be satisfied to obtain the full approval or that the plan must be revised in some way to receive final approval.
- 8) **Timing** – Perhaps the most commonly asked question about an application to a Planning Board is “how long will it take?” There is no standard answer. At a minimum, there must be a meeting with the Board, and this alone requires at least 15-30 days lead time. Boundary Line Adjustments may be approved at a single meeting. Subdivisions, however, require a more technical review and could take several meetings or a few months’ time to complete. However, this general answer is all based on the assumptions that the applicant is properly prepared and that no unusual circumstances arise.

## **ARTICLE 6 – PRELIMINARY APPLICATION REVIEW**

Per RSA 676:4 II the preliminary application review process is enacted to give applicants the opportunity to receive general guidance from the Board prior to expending resources on the creation of formal plans. This process is intended to create a forum for exchange of non-binding information and opinions to facilitate the subdivision process.

## **6.1 Preliminary Conceptual Review**

The applicant may request a meeting with the board to discuss a proposal in conceptual form and in general terms as described below. Preliminary conceptual consultation meetings are strictly optional to the applicant.

- 1) This meeting shall be directed at a review of the basic concepts of the proposal and to offer suggestions that might resolve problems with addressing regulatory requirements during formal consideration of the application. The Board and applicant may discuss proposals in conceptual form only and in general terms, such as the desirability of types of development under the Master Plan, as well as the development objectives of the community. Sketches may be provided to assist in the review. No engineered plans may be considered without prior abutter notification.
- 2) Typically, maps from the Master Plan, tax maps, county soil survey maps and the like are acceptable levels of generality upon to base these discussions. The presentation to the Board of new surveys, engineering plans or similar materials shall require the Design Review process to be followed and are not appropriate for conceptual review meetings. Such consultation shall not bind either the applicant or the Board, and statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action taken.
- 3) Such discussion may occur without the necessity of giving formal public notice, but such discussion may occur only at regular meetings of the Board. The Board may maintain an application form for conceptual review to guide in the submission of information.
- 4) Preliminary Conceptual Review is a process that is intended to be limited in nature. These limitations also apply to the length of the process. Preliminary Conceptual Review shall be limited to two (2) meetings or sixty (60) days. Additional requests for review meetings or an extension of the sixty (60)-day limit shall require resubmission of all information and payment of an administrative fee equal to the fee required for formal consideration of the proposed subdivision to cover the administrative expense associated with the additional review.

## **6.2 Design Review**

All applications for major or open space subdivisions within the Town of Nottingham are strongly encouraged to provide a preliminary design review. This review shall consist of a graphic and narrative site feature inventory. All significant site features should be identified including, but not limited to: critical areas, vistas, ridge lines, wetlands, vernal pools,

floodplains, slopes, tree lines, stone walls, significant rock outcrops and tree masses, rare and endangered species habitats, streams, and other additional features uniquely affecting a site.

The applicant may request a meeting with the Board to discuss a proposal in more specific form and terms. Although still considered a preliminary review; notice to abutters must be completed per RSA 676:4, I (e).

1) The Board and applicant may engage in non-binding discussions beyond conceptual and general discussions, addressing more specific design, planning and engineering details provided that the design review may proceed only after formal public notice is provided. Statements made by Board members shall not be the basis for disqualifying said members or invaliding any action taken. The applicant shall pay the appropriate public notice fees as specified in RSA 676:4 I (e), and shall provide all required materials and information required for a public notice. Design review meetings are strictly optional to the applicant but such meetings can be helpful in identifying and resolving problems in an application prior to major design investments by the applicant.

2) The Design Review meeting is especially appropriate for receiving comments on the general road plan of a subdivision that creates new roadways, and for reviewing the concepts for an Open Space Subdivision. The Board may maintain an application form to guide in the submission of information for the design review phase.

3) Design Review is a process that is intended to be limited in nature. These limitations also apply to the length of the process. Design Review shall be limited to three (3) meetings or ninety (90)-day limit. Additional requests for Design Review meetings or extension of the ninety (90)-day limit shall require resubmission and notification per RSA 676:4 I (e).

4) The Planning Board shall require notice for initiation of the formal process and submission of the plans to ensure adequate public participation in the formal review process.

### **6.3 Developments of Regional Impact**

In accordance with RSA 36:54-58, as a preliminary matter, the Board shall review all subdivision plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57.

## **ARTICLE 7 – SUBMISSION OF APPLICATION, FEES, & FORMS**

### **7.1 Application Forms**

A complete subdivision application includes:



- 1) Three copies of a completed and signed original Subdivision application or Lot Line Adjustment application.
- 2) Three sets of a list of abutter with mailing labels (Avery 5160 or equal) for each abutter. The applicant shall prepare an Abutters list no more than five (5) days prior to submission of the application.
- 3) Six (6) sets of full size plats(s)
- 4) Ten (10) sets of 11 x 17 plat(s)
- 5) Completed Impact Statement form for Major and Open Space subdivisions.
- 6) Authorization of Property Entry form signed by all land owners.
- 7) Authorization of Representation form with Notarization Stamp and signature of all land owners.
- 8) Street name approval form

## 7.2 Application Fees

All Application fees per the most recent adopted Town of Nottingham Fee Schedule, are paid in full. Application fees will include the following:

- 1) **Notice Fee** – a fee to cover costs associated with sending notice to abutters in accordance with RSA 676:4 and these regulations. The fee shall include all costs for mailings, and associated administrative and clerical expenses.
- 2) **Application Fee** – A fee to cover the cost with administration of the application. Such fee shall represent costs associated with staff duties required by filing and maintenance of application information, mailings, coordination or reviews, meetings with applicant outside Board meetings, site visits, and other expenses.
- 3) **Public Notice Fee** – A fee to cover costs associated with notifying the public via the requirement of these regulations, including but not limited to notice in newspapers, postings in public places, and all related administrative and clerical expenses.
- 4) **Additional Review Cost** – Fees to cover the expense of additional third party review required by the Board in order to interpret conclusions and review documents as part of the application. Such fees shall be used as, but not limited to, engineering consultants, soils and wetland scientists, planners, attorneys, and traffic consultants.

5) **Other Costs** – A fee to cover costs, not mentioned above that are necessary to review the proposal. Such costs include, but are not limited to, recording costs, reproduction costs, and other administrative and clerical expenses.

### **7.3 Application for Subdivision Review**

1) Pursuant to RSA 676:4, I(b), a completed application sufficient to invoke jurisdiction of the Board shall be submitted to the Land Use Clerk, or designated agent along with other informational data including but not limited to plans, reports, studies, impact statements up to twenty-eight (28) days but no less than twenty-one (21) days prior to the next scheduled meeting of the Board. The Land Use Clerk or designated agent shall not receive an application which is not properly filled out.

2) Applications shall be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply the required information or pay fees as required by these regulations.

3) The date of filing for this section shall be the last date upon which information necessary to determine completeness was last received by the Board. It shall not be the date upon which information was first filed or any date in between. The Board shall not find an application complete unless all required information is filed.

4) The Board, upon agreement with the applicant, may continue the review for determination of completeness in order to receive further information required by these regulations. This section is intended to provide limited flexibility and avoid burden and expense associated with reapplication required by rigid compliance with the requirements of RSA 676:4 (I). This section requires the Board to act upon the application within 30 days whether the application is complete or not. Strict compliance with these requirements would require the Board to deny an application if it is not complete, thus forcing the applicant to pay all fees and notice costs associated with a re-application. An agreed upon extension, provided for in RSA 676:4 (I)(f), avoids this situation.

#### **7.3.1 Public Hearing and Notice**

1) When acting on a completed subdivision review application, the Board shall hold a public hearing to discuss the application. As required in RSA 676:4, I (e), a public hearing shall not be required when the board disapproves an application based upon an applicant's failure to supply information required by these regulations, including abutter's identification, failure to meet reasonable deadlines established by the Board, or failure to pay costs of notice or other fees required by the Board.

2) It shall be the responsibility of the applicant to supply the names and addresses of all the abutters upon filing the subdivision applications with the Board. As required in RSA 676:4, I(d), as amended, notification shall also be given to the applicant and all professionals,

including every engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement on the subject parcel. The Board will conduct no review of submitted names for determination of complete abutter notification. Furthermore, the Board takes no responsibility or liability for improperly noticed hearings resulting from applicant-generated abutter lists.

3) Abutters and the applicant, as well as all professionals, including every engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement on the subject parcel, shall be notified by the Board, in the form of a certified mailing, of the date upon which the application will be formally submitted for acceptance by the Board. Notice shall be mailed at least ten (10) days prior to submission of the application. Notice to the general public will be given at the same time by advertisement in a newspaper of general circulation in the Town of Nottingham, as shall be posted in at least two (2) public places. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant (RSA 676:4, I(d)). Fees are described in Section 7.2

4) Notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Board, and shall identify the applicant and the location of the proposal.

5) If the notice for the public hearing was included in the notice submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session were made known at the prior meeting, per RSA 676:4, I(d).

#### **7.4 Additional Town Review**

The Board may send applications and copies of such plans to the Conservation Commission, building inspector, health officer, road agent, fire department, police department, and any other department or board for review and comments. Copies shall be available at the Land Use Office for public review.

### **ARTICLE 8 – PLAN REQUIREMENTS**

#### **8.1 General Principles and Standards**

1) **Scope of Review** – Every application for subdivision review must incorporate the entire parcel within the review. Not to do so may cause approval of a lot situation that is not in conformance with the zoning ordinance and/or other applicable ordinances and regulations.

2) **Professional Standards** – Subdivision plans shall be prepared, stamped, and signed by a registered Professional Engineer, Land Surveyor, Soil Scientist, and/or Wetland Scientist licensed by the State of New Hampshire. The requirement for a Professional Engineer shall apply to all plans showing roadways, utilities, bridges and culverts, plus drainage and other

construction plans. In specific cases, the Board may waive the requirement for a Professional Engineer in accordance with Section 8.5, waivers for Specific Plan Requirements.

3) **Minimum Requirements** – These submission requirements are minimum review standards. Where there is doubt regarding compliance, a particular impact, or the information that is submitted, the Board shall be authorized to request additional studies, information, or other submittals to assist in its determination. The Board must have sufficient information to make a reasonable decision relative to compliance with these regulations and to protect the health, safety, and welfare of current and future residents.

4) **Plat Plan Requirements** – All plans shall be drawn in ink on material, such as Mylar, which is suitable for electronic scanning and archiving and be presented on sheet sizes that conform to the following requirements from the Rockingham County Registry of Deeds:

## General Recording Requirements

### DOCUMENTS MUST CONFORM TO THE FOLLOWING:

A. ORIGINAL document on material with markings and of a size to insure suitable permanent recording thereof.

NH RSA 478:4 Recording requirement)

- B. 1. The latest mailing address of the grantees named in the deed or instrument.  
2. The names of all municipalities in which the property is located in the first descriptive sentence.  
3. The names of each person signing the deed or instrument as party to the transaction, printed or typed under the signature.

(Blue ink is preferred for the signature in Rockingham County.)

(NH RSA 478:4a Form of Recording)

This statute does not allow the recording of deeds and instruments if the above information is not included within the deed or instrument.

C. Transfer tax applied to all deeds of conveyance unless exemption is stated on deed.

D. Name of Justice printed under signature (eff. 1/2000)

### PLANS MUST HAVE THE FOLLOWING:

Plans must be on Mylar if drawn after April 18, 1977 and must meet statutory requirements.

### Plans must conform to the plat standards as of January 1, 2005

All plans must be drawn on one of the following standard sizes:

- 8 ½ x 11"
- 11 x 17"
- 17 x 22"
- 22 x 34"

All plats shall have a minimum of ½ inch margin on all sides

**Upper left hand corner** will be for the exclusive use of the Registry of Deeds for recording data.

(4" x 2" block works best)

Plans must be signed and sealed by a licensed land surveyor and have original signatures in permanent black ink.

Original signatures and proper approvals as required.

Title block shall be located in the **lower right hand corner** and should include :

- a. Owner of record

- b. Title of plat or development
- c. Plat and Revision dates
- d. Name of the town in which property is located

**No shading or colors allowed.**

## **8.2 Completed Application**

- 1) The Board shall determine whether an application is complete within 30 days of date of filing, subject to extension in accordance with RSA 676:4 (I)(f).
  - (a) The date of filing referred to in paragraph 1, shall be the last date upon which information necessary to determine completeness was received by the Board. It shall not be the date upon which the information was first filed or any date in between. The Board shall not find an application complete without all required information.
  - (b) Any application determined to be incomplete shall be denied in accordance with RSA 676:3, however, the Board at its discretion may continue the hearing for determination of completeness to receive further information.
- 2) The Board shall begin Formal Consideration only upon determination that an application is complete. Acceptance of the completed application shall initiate jurisdiction over the plans and shall be made by a majority of the voting members present at a hearing noticed to abutters in accordance with RSA 676:4(I).
- 3) A completed application shall be comprised of enough information to allow the Board to make an informed decision. At a minimum, a completed application shall include all of the requirements of Section 8.3 and 8.4, and any waivers, voted upon favorably by the Board, as provided for under Section 8.5. Compliance with general design principles under Article 14 shall be determined during Formal Consideration.
- 4) The Formal Consideration phase of the subdivision process is an intense fact-driven process that is intended to assess known impacts and discover additional unforeseen impacts that may relate to the proposal. As part of Formal Consideration, the Board may determine that additional impacts or other factors require the need for further studies or information.

5) A determination of completeness does not eliminate or reduce the burden of the applicant to produce additional information when requested on order for the Board to make an informed decision of the application. Where the applicant fails to provide such additional information, the Board shall deny the application. Additional studies and the provision of additional information are described in Article 10 of these regulations.

### **8.3 Specific Plan Information – Existing Site Conditions**

In order for the Board to evaluate a subdivision plan proposal comprehensively, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section 8.5, Waivers for Specific Plan Submission Requirements. Other information may be reasonably required by the Board and shall be submitted upon request. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Articles 8 and 9 and the purpose of these requirements.

- 1) Location of Site, names and addresses of current owners of record and current abutting landowners.
- 2) Proposed subdivision name. Name and address of person(s) or firm preparing the plan. Said plan must contain the date of preparation, title, north arrow, scale, legend and zoning district(s).
- 3) Name and address of person(s) or firm preparing other data and information if different from the preparer of the map.
- 4) Plans shall also contain a signature block for Board approval and a revision block for noting dates of changes to the plan. The signature block shall be of sufficient size to have seven (7) signatures from the Board. The words Planning Board Approval shall be located at the top of the signature block.
- 5) Surveyed property lines including angles or bearings, distances, monument locations and size of entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire, seal, and license number shall be legible and included on the plan.
- 6) Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).
- 7) The location and condition of existing drainage systems (including culverts), structures, and drainage easements, if any.
- 8) The estimated location and use of all existing structures, including wells and septic systems, on the site and within 100 feet of the site.

9) Natural features such as, but not limited to, existing streams, marshes, lakes, ponds, critical wetlands, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland areas as defined in the Town of Nottingham Zoning Ordinance.

10) Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, cemeteries, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.

11) The size and location of all existing public and private utilities, including off-site utilities to which a connection is planned, and any underground storage tanks, abandoned or in use.

12) A vicinity sketch showing the location of the site in relation to the surrounding street system, to be shown within a distance of 1,000 feet.

13) Location and description of all existing easements and/or right of way, parks, reservations, conservation land and holders of conservation easements.

14) Each existing building or man-made structure, including stone walls and cemeteries shall be shown on the plan and reviewed with the Board for historic significance.

15) Summary of the Nottingham Zoning Ordinance requirements, including, but not limited to a summary of lot size requirements, lot area, frontage, and related dimensional and use requirements.

#### **8.4 Specific Plan Information – Proposed Site Conditions**

In order for the Board to evaluate a subdivision plan proposal comprehensively, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section 8.5, Waivers for Specific Plan Submission Requirements. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Article 8 and 9 and the purposes of these regulations.

1) All drawings, unless otherwise agreed to by the Board, shall be at a scale of one hundred feet to the inch or more.

2) Proposed grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).

3) The location for, and pertinent date on, at least two (2) test pits, 50 feet apart to show that the regulations in Article 18 have been met on each lot created by the subdivision. Information shall include at least the following: the location of the test pits, an outline of the

four thousand (4000) contiguous sq. ft. area reserved for the location of the leach field area. All test pits must be witnessed by the Code Administrator.

4) Construction drawings and location, name, width, curbing and paving of proposed streets, drainage ways and detailed plans for run-off in compliance with the Nottingham Zoning Ordinance Article A5-e, and profiles and the elevations of sufficient points on the property to indicate the general topography of the property, driveways and sidewalks with indication of direction of travel for one-way streets. This information shall include the radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.

5) Location and timing patterns of proposed traffic control devices, including painted road indicators, and all signage.

6) Designs of any bridges or culverts that may be required.

7) Where the plat submitted covers only a portions of the subdivider's entire holding, a sketch of the prospective future street system of the remaining portion shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems for the part not submitted.

8) The location, size and layout of on – and off – street parking. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.

9) The location and layout of proposed drainage systems and structures, including elevations for catch basins in accordance with these regulations.

10) A note indicating that all road and drainage work to conform to the standard specifications for construction in the Town of Nottingham.

11) The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire protection cisterns and/or dry hydrants, underground storage tanks, and other utilities.

12) The location, type, design and intensity of any street lighting, including the cone of illumination on the site, if proposed.

13) Location and description of proposed easements(s) and/or rights-of-way.

14) The location and size of all proposed open space areas or parcels to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.

15) Deeds or other proposed documents of conveyance of any land located within the subdivision, which is proposed for Town use and/or Town ownership, shall be part of the application. These proposed documents of conveyance shall be in a form satisfactory to



Town Counsel. The fact that the subdivider makes such offer and Town Counsel approves the form of documents does not bind the Town or its agents to accept the offer. The suitability of lands offered for recreational or conservation uses may be determined with assistance and comment of the Conservation Commission and/or Recreation Department.

16) The location of all monumentation that is to be installed in accordance with these regulations shall be shown on the plans. If the monumentation is changed in the field after construction, supplemental information shall be filed with the Planning Board to be added to the file. Any change in the actual layout of the lots shall require Planning Board approval in accordance with these regulations.

17) Plans shall delineate potential building envelopes for each class that represents regulatory and environmental restraints on the placement of dwelling units and other structures on the proposed lot.

18) Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:

- (a) Calculations relating to Stormwater runoff.
- (b) Information on the composition and quantity of wastewater generated.
- (c) Information on air, water, or land pollutants discharged.
- (d) Estimates of traffic generation.
- (e) Grading, drainage, and erosion and sediment control plan. (See Section 10.2 for requirements).
- (f) Percentage of Impervious surfaces.
- (g) Any other plan required under Article 10, additional information and studies.
- (h) All local, state, and federal approvals and/or permits required for the proposed construction.
- (i) Water study

19) A note on plan indicating that the subdivision falls under the Nottingham Impact Fee Ordinance.

## **8.5 Waivers for Specific Plan Submission Requirements**

The Board is hereby authorized to waive, by majority vote of those present and voting, the submission requirements of Sections 8.3 and 8.4 of these regulations upon satisfaction of the

criteria of this section. The purpose of granting waivers under the provisions of these regulations shall be to ensure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that *all* of the following apply:

- 1) The granting of the waiver will not result in a review that overlooks issues that may address impacts that are detrimental to the public safety, health or welfare or injurious to other property.
- 2) The waiver will not, in any manner, vary from the provisions of the Nottingham Zoning Ordinance, Site Plan Regulations, Master Plan or Official Maps.
- 3) The submittal, upon granting of such waiver(s), may be reviewed in such a fashion as to substantially secure the objectives, standards and requirements of these regulations.
- 4) A practical hardship, or unnecessary and unreasonable expense, would result from strict compliance with the foregoing submission regulations.
- 5) The purpose of these regulations may be served to a greater extent by an alternative submittal, or where such submittal information is redundant and clearly unnecessary for the Board to review the application adequately.
- 6) Waiver(s) requests shall be submitted on approved Planning Board forms.

## **ARTICLE 9 – PROCEDURES FOR REVIEW AND ACTION ON APPLICATIONS**

### **9.1 Timeframe for Decision**

Pursuant to RSA 676:4, I9c)(i), within sixty-five (65) days after a completed subdivision application has been accepted for jurisdiction, the Board shall approve, approve with conditions, or disapprove said application. In cases where a subdivision review application has been disapproved, the grounds for such disapproval shall be clearly stated in the minutes of the Board's meeting and the Notice of Decision to the applicant.

### **9.2 Compliance with All Requirements**

Upon determination that all the requirements of these and any other Town regulations or ordinances have been met, the Board may accept the application as complete. The Board may also grant a waiver to provisions of these regulations (in accordance with the procedures in Section 11, General Waiver Provision) prior to making a determination on the completeness of an application. If any of the provisions of these regulations have not been met the Board may determine that the application is incomplete and not suitable for formal review.

### **9.3 Acting on a Complete Application**

When acting on a completed subdivision review application, the Board shall hold a public hearing to discuss the application. Notice for a public hearing shall be in compliance with Subsection 7.3.1.

### **9.4 Submitted Materials**

All materials to be submitted to the Board for consideration shall be submitted prior to the meeting so that Board members, the public and Town Staff and Departments or consultants may have sufficient opportunity to review the application without unnecessarily rushing the review and/or delaying the proceedings of the meeting. The following shall apply:

- 1) **New Materials** – New materials shall be submitted to the Board at least a minimum of 21 days prior to a meeting when new materials will be considered.
- 2) **Continued Meetings** – When consideration of an application is continued and new information is required, the Board shall specify the deadline for filing this new information. In no case shall it be less than (seven) 7 days prior to the meeting. The deadline shall be stated in the motion to continue.

### **9.5 Other Permits and Approvals**

The Board shall not grant a final approval to an application until all government permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior public approval. Applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining final approval of the Subdivision application, but applicants with large or complex subdivisions are advised to delay applications to the State of NH until general design guidance has been provided by the Board.

### **9.6 Public Hearing**

The Board shall open a public hearing on an application for the purpose of hearing the applicant's presentation as well as to solicit public comments, questions and concerns. The applicant shall make a brief, general presentation to the Board and audience that includes a description of the proposed project's major design features and to identify specific issues of concern that they would like the Board to discuss during deliberations. The Chairmen shall have sole authority to limit the time taken for this presentation. For applications that are reviewed over a series of meetings, this presentation may be appropriate at the beginning of

each session. The Chairman may temporarily suspend public comment during the hearing so that the Board may deliberate, vote on waivers, or take other required action. The public hearing may be continued if additional meetings are necessary, provided that the Board follows the continuation procedures specified in Section 7.3. When all pertinent public input is complete the Chairman shall close the public hearing to allow the Board to take action on the application. The applicant or the applicant's designated representative shall be responsible for attending the public hearing, including all continuations, to ensure that questions can be answered and issues clarified as needed.

## **9.7 General Design and Principles and Standards for Application Review**

An applicant shall use the following general principles when designing a subdivision plan for lands within the Town of Nottingham. These principles and standards shall be constructed as the minimum requirements and subject to the specific requirements under Part III – Design and Construction Standards. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements in accordance with the procedures outlined in these regulations.

An applicant shall observe each of the following general principles when preparing a plan for subdivision.

- 1) The subdivision plan shall be in harmony and consistent with the Nottingham Master Plan, Zoning Ordinance, and Site Plan Review Regulations.
- 2) Subdivision plans shall conform to all regulations of the Board, and other applicable Town ordinances, regulations, and statutes of local, state and federal governments.
- 3) Land unsuitable for development due to the presence of poorly drained soils, very poorly drained soils, flood hazards, steep slopes or other conditions constituting a danger to health, safety, or the environment, shall not be approved for development unless the applicant can present satisfactory evidence or data to the Board, establishing the methods which will be used to overcome such conditions and their adequacy. Land with an inadequate capacity for proper sewage disposal shall not be developed.
- 4) In accordance with RSA 674:36, the Board, at its discretion, will not approve scattered or premature development that would impose danger or injury to the general public, health, safety and welfare or lack of a water supply, drainage, sewage disposal, fire protection or other public services; nor will the board approve such development which will necessitate an excessive expenditure of public funds to supply such services. The Board shall apply the following minimum standards when making a determination as to whether a proposed development is considered scattered or premature.
  - (a) A scattered and/or premature development is one that poses a danger to the public through insufficiency of services. The board shall ascertain whether the amount or location of a proposed development, in relation to the available level of service,

constitutes the type of hazard defined in these regulations and in state statutes. At the point where such a hazard is created, further development becomes premature. Although the available services may suffice to meet the needs of existing development, additional development may endanger the well-being of residents, both within and contiguous to the development. Based on such a finding the Board may determine the proposed development is premature.

(b) The focus of the Board's review with regard to scattered and premature development relates specifically to the effect of the proposed development on the community, not the effect of further development in general on the community. The creation of conditions that increase the risk emergency vehicles would not be able to respond when services are required, or other similar unacceptable risks, may be the basis for a finding of premature and scattered.

(c) The application of these regulations to prevent scattered or premature development shall include consideration of the highest and best use of a particular tract of land; the compatibility of a particular use with the remainder of the community; and the protection of the financial interests of the Town of Nottingham. A finding that a subdivision would be premature does not necessarily mean that the land cannot be developed. For instance, if the construction of certain off-site improvements is feasible, then the application may be conditionally approved upon the provision of off-site improvements, which would eliminate the hazards that would otherwise cause the development to be premature.

5) If the owner places restrictions on any portion of the site greater than those required by these regulations, the Site Plan Review Regulations, or the Zoning Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plan, or the Board may require that restrictive covenants be recorded with the Rockingham County Registry of Deeds.

6) All subdivision plans shall observe the protection of environmental quality during and after construction including the following:

(a) Dust and erosion shall be prevented through the planting of ground cover or installation of other surfaces (See Section 10.2).

(b) Each significant natural feature within the site including large or unusual trees, watercourses, wetlands, natural stone outcroppings and other scenic features shall require Board review before impact to such features.

(c) The significant natural attributes and major features of the site listed above, and scenic views (both from the site and onto or over the site), shall be retained to the maximum extent feasible taking economics and cost into account.

(d) Provisions shall be made for adequate storm and surface water drainage facilities in order to drain the site properly while minimizing downstream flooding.

- (e) The Board may seek consultation and comment from the Nottingham Conservation Commission regarding these issues.

### 9.7.1 Streets and Roads

1) **Design Objectives** – Road design for proposed subdivisions must recognize the Nottingham roadway network as complex public spaces that accommodate and impact traffic, parking, pedestrians, bicyclists, and aesthetics, among other things. Road design objectives are further categorized and specified as follows.

(a) **Traffic Function** – Roads shall accommodate safe access to properties, convenient and efficient pickups and deliveries, emergency access, maintenance service, and other uses. The overall road system should provide for sufficient number and layout of collectors and arterials to handle through traffic flow as one means of protecting local residential streets from through traffic. Further, local residential streets shall be linked to traffic carrying streets in a way that simultaneously provides good access to other parts of the community and region and minimizes the use of residential streets by through traffic. Further, residential streets should be protected from vehicles moving at excessive speeds, typically greater than 25 MPH. Proper access management is essential in protecting the traffic capacity of arterial roads.

(b) **Road Layout** – The layout of proposed roads shall provide for the continuation of the principal streets in adjoining areas, if applicable. Cul-de-sacs shall be permitted by the granting of a waiver by the Board, (in accordance with the procedures in Section 11, General Waiver Provision). Suitable connections and reservation for future connections to remaining lands and adjacent lots shall be provided. Layout geometry shall be designed to take advantage of the topography and proposed future development patterns. Layout shall also be carefully designed to avoid creation of a situation where the local road is used for through traffic flow.

(c) **Scale** – The scaling of the roadway must facilitate the appropriate level of sharing of road use among cars, walkers, bicycles, emergency vehicles and others, the final product shall permit comfortable and safe pedestrian and bicycle movements as well as motorized vehicular movements, and shall protect vulnerable users such as children the disabled, and the elderly.

(d) **Aesthetics** – Road design should enhance the overall aesthetics of the neighborhood through well-designed street layout and landscaping. Additionally, commons, public squares, and open space should be used for focal points. Aesthetics must be achieved through the thoughtful integration of all aspects of design and cannot simply be added on to a design.

(e) **Quality Construction** – Appendix A - Regardless of the outcome of the more policy-oriented layout and function issues of the road system, the construction of roads shall be

of high quality. Roads shall be constructed to standards suitable for the climate, the environment in which they are built, and for the proposed use. The resulting road should require a minimal amount of maintenance.

**2) Additional Construction Standards** – All proposed streets and roads shall be designed and constructed so as to minimize dust, erosion, and run-off conditions that would have a detrimental effect on abutting or neighboring properties. They must also comply with the following requirements.

- (a) Grading, paving, and storm drainage systems shall be constructed so that development will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.
- (b) Residential abutters shall be protected against undue noise, glare, unsightliness, or other nuisances, which are detrimental to property values.
- (c) Adequate pedestrian and bicycle safety and access shall be provided.
- (d) Development shall provide for an appropriate opportunity for ground water recharge.
- (e) Constructed travel ways shall be of sufficient width to accommodate existing and projected traffic, and to afford adequate light, air, and access to buildings for firefighting apparatus and other emergency equipment as balanced against aesthetic concerns and neighborhood scale.
- (f) Developments shall be consistent with the Town's Master Plan.
- (g) All development shall minimize encroachments of any kind of the neighboring land uses.
- (h) The development of the site shall not change the topography of the land to be developed by excessive removal of trees, shrubs, soils and rocks, except that which is necessary for the building of the roadway, structures and accessory and incidental development as shown on the plan.

## **ARTICLE 10 – ADDITIONAL INFORMATION AND STUDIES**

### **10.1 General Requirements**

1) When the Board determines that the impact of the proposal is not adequately addressed by the minimum submission requirements of Sections 8.3 and 8.4, or when the proposal may impact a sensitive or critical area as defined in these regulations, the Board may require any of the plans, studies, or information exhibits described in this section. Concerns the Board may consider include, but are not limited to, neighborhood density,

environmental sensitivity, traffic congestion, etc. Any doubt as to a particular impact shall result in a determination that the impact requires additional information.

- 2) These studies must assist the Board in making an informed decision that protects the health, safety and general welfare of the citizens of Nottingham and the region.
- 3) The submission requirements in this section list minimum standards for the most often requested information. This section in no way limits the type of plan, study or exhibit , or the depth of such plan, study, or exhibit which may be required by the Board.
- 4) All additional submissions shall be presented under the seal or attestation of a licensed professional normally employed for the presentation of such information.
- 5) The Board shall have the authority to hire consultants to review such additional information and recoup expenses related to such review in accordance with RSA 676:4 (I)(g).

## **10.2 Grading, Erosion and Sediment Control and Plan**

The importance of natural drainage patterns is recognized in these regulations. Increases in off-site drainage may cause flood damage or detrimental impact to environmentally sensitive areas. Decreases in off-site drainage may cause detrimental impacts to on- and off-site water dependent habitat and destruction of wetlands. Sedimentation and erosion can also impact environmentally sensitive regions and habitats, and cause property damage for neighboring property owners.

- 1) Developments shall not increase, decrease, modify, or alter the normal patterns of off-site drainage, or increase the erosion or sedimentation caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other properties. Development shall not increase the amount of erosion and sediment in surface waters. For significant or complex developments the Board shall require a plan to address these issues. The Board will not accept final calculations that have not been reviewed and approved by the Town's Engineer.
- 2) The applicant shall submit such plans to the Board for any tract of land being developed where one or more of the following conditions are proposed or present. Standard agricultural and timber harvesting practices are exempt from this regulation.
  - (a) A cumulative disturbed surface area exceeding 30,000 square feet
  - (b) Construction of a street, road, or driveway
  - (c) Disturbed environmentally sensitive areas; or



(d) Disturbed critical areas.

3) The Board may waive the requirement for all or part of a grading, erosion and sediment control plan if it determines that a plan is unnecessary because of the size character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section 11.1.

4) Description of the design standards, plan requirements, and other relevant criteria can be found in Article 16. The design standards shall apply to all development projects, regardless of size and/or scope.

### **10.3 Stormwater Management Plan**

Developments shall not increase, decrease, modify, or alter the normal patterns of Stormwater drainage caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property. For significant or complex developments the Board shall require a Stormwater Management Plan to address these issues.

1) Thresholds for Plan Requirement – The applicant shall submit three (3) copies of a Stormwater Management Plan to the Board for any tract of land being developed where one or more of the following conditions are proposed or present. Standard agricultural and timber harvesting practices are exempt from this regulation.

(a) A cumulative disturbed surface area exceeding 30,000 square feet

(b) Construction of a street, road, or driveway

(c) Disturbed environmentally sensitive areas; or

(d) Disturbed critical areas

2) Waiver from Plan Requirement – The Board may waive the requirement for all or part of a Stormwater Management Plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section 11.1, General Waiver Provision.

3) General Purpose of the Plan – The purpose of this plan is to address the effects of the proposed development on the existing Stormwater drainage situation and capacity. These plans will often be required in conjunction with an erosion and sedimentation control plan.

### **10.3.1 Plan Requirements**

The following standards and requirements shall be met as part of Stormwater management plans.

- 1) Calculations of Stormwater displacement and flow shall be calculated for a 25-year storm event. All facilities and mediation methods must be designed to accommodate a 25-year storm event.
- 2) The effects of stormwater drainage on downstream drainage facilities.
- 3) Methods and provisions to eliminate any overload or significant increase in downstream facilities.
  - (a) Drainage easements
  - (b) Retention/detention ponds
  - (c) Any other facility
- 4) Appropriate methods to extend and/or connect the proposed drainage system to adjacent land whether or not such land is developed.
- 5) Appropriate accommodation of potential upstream development.
- 6) Preservation of natural watercourses within the existing watershed drainage basin.
- 7) Post-development surface runoff shall be equal to pre-development runoff rates.

### **10.3.2 Plan Approval and Review**

The Board shall indicate its approval of the stormwater management plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant. Technical review of any stormwater management plan prepared under this regulation shall be by the Town's Engineer at the applicant's expense.

### **10.3.3 Inspection**

Inspection shall be made by an agent of the Town during development to ensure compliance with the approved plan and that management measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

#### **10.3.4 Required Improvements**

Where it is determined that the additional runoff incidental to the development will overload or significantly increase an existing downstream drainage facility, the Board may require the provision of drainage easements or other improvements, (i.e., retention/detention ponds and/or facilities) necessary to alleviate such problems. All required drainage improvements and/or facilities shall be designed to accommodate a 25-year storm event. Drainage calculations shall be prepared in conformance with the guidance document, Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas of New Hampshire, prepared by the USDA Soil Conservation Service, as amended. Any off-site improvement necessitated by the development will have to be secured and completed prior to the construction of the development.

#### **10.3.5 Additional Requirements**

Description of the design standards, plan requirements, and other relevant requirements can be found in Article 16 – Drainage, Erosion and Sediment Control Standards of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

#### **10.4 Flood Hazard Areas**

In addition to the requirements specified in the Flood Hazard Areas Overlay District of the Zoning Ordinance, the following shall also apply to all subdivision plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP).

- 1) The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.
- 2) The Planning Board shall require that all proposals for development of major subdivisions (four (4) lots or greater) include available Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- 3) The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
  - (a) All such proposals are consistent with the need to minimize flood damage;

- (b) All public utilities and facilities shall be located and constructed to minimize or eliminate flood damage; and
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards.

## 10.5 Traffic Impact Analysis

All proposed developments shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic study. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location, or any other traffic generating characteristics of the development.

- 1) **Minimum Threshold** – A traffic impact analysis shall be required in the following circumstances:
  - (a) The subdivision involves the creation of a major subdivision (four (4) lots or greater) with internal roadways.
  - (b) Minor subdivisions (three (3) lots or less) with land available for future development.
  - (c) The subdivision is intended to facilitate non-residential land use.
  - (d) Other considerations as deemed necessary by the Board.
- 2) **Preparation Requirements** – The traffic impact analysis shall be prepared by a New Hampshire licensed Professional Engineer. This analysis shall be prepared to meet, at a minimum the Guidelines for Traffic Impact Analysis by the Strafford Regional Planning Commission, July 1986, as amended.
- 3) **Informational Requirements** – The traffic impact analysis shall contain sufficient information on the following characteristics and demonstrate sufficient mitigation of potential safety issues and concerns.
  - (a) Traffic interior and exterior circulation, ingress and egress, adequacy of adjacent street and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended signalization.
  - (b) Amount, nature, and impact of traffic generated by the proposed development.
  - (c) Pedestrian safety, interior and exterior circulation, ingress and egress.

(d) Off-street parking and loading.

(e) Emergency vehicle access.

- 4) **Board Consultant** – The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board shall further require, pursuant to RSA 676:4 I (g) that the developer assumes the costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

## 10.6 Environmental Impact Assessment

In projects involving a major subdivision (four (4) or more lots), or where, in the determination of the Board, a significant impact to critical areas or natural resources is proposed, an environmental impact assessment (EIA) may be required for submittal. The EIA shall be a written report that describes the impact of a proposed project on the site and abutting properties. It shall describe the features limitation of the site, and it may analyze, in particular, the impact of the proposal on the following:

- 1) **Soils and Geology** – Particular attention will be given to poorly drained and very poorly drained soils and slopes classified as greater than 25%.
- 2) **Topography** – Including particularly those areas with slopes greater than 25%, low areas or depressions.
- 3) **Vegetation** – Delineate the limits of the disturbance of all vegetation, especially rare, threatened, and endangered species and ecosystems. Proposed habitat protection measures will be addressed.
- 4) **Fish and Wildlife** – A wildlife management plan shall be submitted which includes a study of the habitats supporting wildlife species with a particular emphasis on rare, threatened and endangered species. This plan shall address measures taken to preserve and improve onsite wildlife habitat: such as, but not limited to, waterfowl/aviation nesting's areas, vernal pools, fish spawning areas, and deer wintering areas.
- 5) **Wetlands** – This study will include the effect on:
  1. groundwater recharge/discharge,
  2. flood flow alteration,
  3. fish/wildlife habitat
  4. sediment/toxicant retention

5. nutrient removal/retention
  6. production and export of sediment/shoreline stabilization
  7. Recreation
  8. Education
  9. uniqueness/heritage and aesthetics
- 6) **Surface/Ground Water Quality and Quantity** – A study that will include the potential impact on aquifers and/or their recharge areas.
- 7) **Other Environmental Factors** – Any other environmental factors that are deemed necessary for study and analysis by the Board.

The Board may require an EIA for projects involving minor subdivisions (three (3) lots or less) when necessary to evaluate the effects of a proposed development on existing natural resources. The Board may modify the scope of any EIA and require more or less than the above requirements. The Board may seek consultation from the Conservation Commission in determining whether to require an EIA, any additional components, and/or revisions to its components.

## **10.7 Hydrogeological Study**

A hydrogeological study prepared by a NH licensed professional shall provide the following at a minimum.

1. A Hydrologic mapping of local groundwater flow and/or aquifer characteristics, including but not limited to, elevation, transmissivity, and boundaries.
2. The location of the 4K septic reserved area for septic design for each proposed lot.

## **ARTICLE 11 – ACTION ON APPLICATIONS**

### **11.1 General Waiver Provisions**

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with these regulations, or if the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under the provisions of these regulations shall be to assure that an applicant is not unduly burdened as

opposed to merely inconvenienced by said regulations. In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

A petition for any such waiver shall be submitted in writing by the applicant on forms supplied by the Board, with the application for Board review. The petition shall state fully the grounds for the waiver and all of the related facts relied upon by the applicant. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that **ALL** of the following apply:

1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.
2. The waiver will not, in any manner, vary the provisions of the Nottingham Zoning Ordinance or Official Maps.
3. Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.
4. A particular and identifiable impediment exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of an impediment shall include, but not limited to, the following.
  - (a) Topography
  - (b) Site features
  - (c) Geographic location of property
  - (d) Size/magnitude of projects being evaluated
  - (e) Protection of environmental and natural resources is accomplished through the granting of the waiver

## **11.2 Decisions of the Board**

1) Approval Subject to Conditions Precedent – The Board may grant conditional approval of a subdivision application, but the plan will not be signed or recorded until all of the conditions have been met. All conditions imposed must be fulfilled before the conditional approval of an application becomes final. Approval will become final upon certification to the Board by its designee, or based upon evidence submitted by the applicant of satisfactory compliance with the conditions approved.

2) Compliance – Unless otherwise specified within the approval, the applicant shall have 12 months to comply with the conditions of the approval and have the plan signed by the

Board. If the conditions are not met within 12 months, the conditional approval shall lapse, unless a mutually agreeable extension has been granted by the Board. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, Subdivision Regulations, Non-residential Site Plan Review Regulations, or any other ordinances and regulations which would render the subdivision plan non-conforming, and if all other required permits are still valid.

3) Final Approval or Approval Subject to Conditions Subsequent – Upon determination that the requirements of these and any other Town regulations or ordinances have been met; the Board may approve the application. Where any of these regulations have not been met or are not applicable, the Board may grant a waiver in accordance with the procedures in Section 11.1, General Waiver Provision. The Board shall have the authority to grant approval subject to conditions that are subsequent. Such conditions may be necessary to secure the intent and purpose of these regulations or help mitigate the impacts presented by the development itself. These conditions shall appear on the plat and deal with restrictions on the use of the property or safeguards that must be observed during development of the parcel or once the project is completed. Such issues may include, but shall not be limited to, the location of a road, preservation of vegetation and stone walls, hours of operation and construction, and specific changes to be made in the proposed subdivision plan necessary to secure the purposes of these regulations.

### **11.3 Performance and Maintenance Guarantee**

#### **11.3.1 Posting of Performance Guarantee**

1) The Board, under advice from the Town Engineer or designee, shall set the amount and type of performance guarantee prior to the final approval of the subdivision plan. The developer shall post such guarantee with the Town prior to the start of any construction on the site. The guarantee shall cover the estimated cost of construction and installing all site improvements and temporary mitigation mechanisms, including, but not limited to: street work (both public and private roads); drainage facilities; erosion and sedimentation control mechanisms; other transportation related facilities; landscaping; fire protection; and other utilities.

2) The basis for determining the performance guarantee shall be 100% of the costs of all required site improvements, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval. The proposed cost shall be submitted by the applicant; however, the amount shall be reviewed and approved by the Town's designated agent and the Board of Selectmen. Time limitations shall be imposed upon completion of the improvements of the site in accordance with Subsection 11.3.2. Bonding shall not be considered a vesting of rights, nor shall posting of a bond be considered "active and substantial development or building". Failure to commence work on the site improvements within the specified time limits may result in one of the following situations:



- (a) A forfeiture of the performance guarantee in favor of the Town in order to complete the required improvements
- (b) The need to post a new guarantee prior to construction, or
- (c) Revocation of the approval of the plan pursuant to RSA 676:4-a.

3) Performance guarantees must be presented in a written agreement with, and acceptable to, the Town of Nottingham. This provision ensures proper and legally binding agreements and appropriate economic assurance for the protection of the Town of Nottingham and its citizens. The following methods of posting a performance guarantee may be accepted:

- (a) Cash or Certified check drawn on a bank licensed in New Hampshire
- (b) A bond issued by a guarantee company authorized to do business within the State of New Hampshire, in an amount acceptable to the Planning Board
- (c) A letter of credit in an amount and manner acceptable to the Planning Board by a bank licensed in New Hampshire

### **11.3.2 Release of Performance Guarantee**

1) Upon inspection of a partial completion of required improvements, the Planning Board's agent may recommend in writing a reduction in the performance guarantee up to an amount equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by an estimate supplied by the Planning Board's agent, plus a retainage of 20% of the original performance guarantee amount, which shall be kept until all required improvements have been inspected and accepted by the Town. If the costs for completing the required improvements exceed the amount of the performance guarantee held by the Town, additional funds shall be required by the Planning Board in order to ensure completion before development proceeds any further. The retainage shall be held until the completion of all required improvements have been inspected and approved by the Town.

2) Should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Planning Board may obtain a completion cost estimate, at the applicant's expense, from the developer's contractor or a qualified contractor of the Planning Boards choice.

3) If the estimated completion costs exceed the amount of the performance guarantee posted with the Town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within thirty (30) days of notice thereof.

4) The performance guarantee (or balance thereof) shall not be released until the Planning Board (or its agent) has certified completion of the required site improvements in

accordance with the approved final plat, and Town Counsel has reviewed and approved all deeds governing easement agreements on the land between the developer and the Town of Nottingham.

5) Installation of all required improvements shall be completed within two (2) years of the date of the final plan's approval, unless the time frame is extended by mutual consent of the applicant and the Planning Board. If the required improvements are not satisfactorily installed within the mutually agreed upon timetable, the posted performance guarantee shall be forfeited by the applicant.

6) Prior to the return of the balance of the performance guarantee, the Planning Board or designee, shall certify that all site improvements have been installed as per the approved subdivision plan. Furthermore, the developer shall submit "as built" plans indicating the actual location of the newly installed work.

### **11.3.3 Maintenance Bond**

For roads proposed to be accepted by the Town of Nottingham, the Planning Board will not release the performance guarantee until a maintenance bond is in place. The Town will require a maintenance guarantee, covering the maintenance of public roads and other public improvements for a period of two (2) years from the date of completion, in an amount no less than 10% and no more than 20% of the improvement costs. If repair or unusual maintenance is needed or additional improvements are required, then such costs as are necessary shall be drawn against the maintenance guarantee.

### **11.4 Off-Site Improvements**

Pursuant to RSA 674:21, V(j), as amended, the Planning Board may require special off-site improvements that it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision plan, in accordance with the following provisions.

1) For the purposes of this Section, the term "off-site improvements" means those improvements that are necessitated by a development but that are located outside the boundaries of the property being subdivided. Such improvements shall be limited to any necessary highway or drainage upgrades pertinent to that development.

2) The amount of any such exaction shall be a proportional share of the municipal improvement costs, which is necessitated by the development and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction.

3) As an alternate to paying exaction, the developer may request to construct the necessary improvements, subject to bonding and timing conditions as required by the Planning Board.

4) Any exaction imposed under this Section shall be assessed at the time of the approval of the subdivision necessitating said improvements.

5) When the collection and use of off-site exactions is predicated upon some portion of the proposed improvements being paid for by the Town, the Town must appropriate its share within six (6) years of the date of collection or refund the exaction to the payor or payor's successor.

### **11.5 Recording Procedures**

The Board shall require subdivision plans and lot line adjustments plans with accompanying executed Transfer Deeds to be recorded with the Rockingham County Registry of Deeds, once said plan is approved or approved with conditions. As provided for in RSA 676:4, I (g), the cost of said filing is considered an administrative expense and shall be borne by the applicant. The filing fee shall be paid prior to recording. All plans and Deeds to be recorded will be presented to the Rockingham County Registry of Deeds by the approved agents of the Town.

### **11.6 Active and Substantial Development**

In accordance with RSA 674:39, active and substantial development shall mean the expenditure of at least 25% of the infrastructure costs required for a development proposal, as indicated by a subdivision approved by the Planning Board, within twelve (12) months of said approval, where the approved plans have been properly recorded at the Rockingham Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads, storm drains, fire protection or other public facilities. Compliance with this definition shall also necessitate that a bond or other security to cover the costs of said infrastructure requirements has been posted with the Town prior to the beginning of construction, if required as a condition for subdivision or site plan approval.

For determining whether an approved subdivision is vested under the terms of RSA 674:39 the following conditions must be met. At least 50% of the total cost of all public and private improvements approved by the Town must have been expended within four (4) years of the date of approval of said subdivision plan. In addition, a bond or surety for completion of all required public improvements, if required as a condition of approval, shall have been posted with the Town.

### **11.7 As Built Plans**

The Board shall require as-built plans to ensure that the site is developed in accordance with the approved plans and documents accurately depicting the location of all work. All such as

built plans shall meet the current standards as set forth by the State of New Hampshire Joint Board of Licensure and Certification.

### **11.8 Monumentation**

Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at all property line corners and angles, and at all points of curvature and points tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. Any drill holes shall be filled with an aluminum surveyor's disk. The applicant's surveyor shall certify in writing on forms supplied by the Town that the monuments have been installed according to the submitted plan.

### **11.9 Expiration of Approved Plans**

Where no active and substantial work has commenced upon a site, plans that are approved and signed by the board shall expire two (2) years from the date the plan is signed. An extension, not to exceed one (1) year may be granted by a majority vote of the board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed subdivision. All other plans must be submitted to the board for review to ensure compliance with these and all other Town ordinances and regulations.

## **ARTICLE 12 – CONCURRENT SUBDIVISION AND SITE PLAN CONSIDERATION**

### **12.1 Requests for Concurrent Consideration**

Any applicant requiring both subdivision and site plan approval may request concurrent consideration of the proposed subdivision and development after a meeting with the Planning Board for preliminary consultation and review. This request shall be presented in written form to the Planning Board at a regular meeting. The Planning Board may, at its discretion, approve or deny this request, but shall inform the applicant of its decision, in writing, within thirty (30) days.

### **12.2 Submission for Design Review**

An applicant may submit a preliminary subdivision layout for design review to the Planning Board for its review as described in Section 6.2

### **12.3 Information Required for Concurrent Consideration**

1) A completed concurrent application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.

2) The following shall be required for and constitute a completed concurrent application: a concurrent application for subdivision and site plan approval properly filled out and executed by the applicant and filed with the Board in accordance with Section 12.4, together with the following:

- (a) The names and address of the applicant and abutters as indicated in Town records not more than five (5) days before the date of filing. In case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association. It shall be the applicant's responsibility to ensure that the names and address regarding officers of a collective or association noticed under this article are current and complete at the time of application submission. In case of an abutting property being in another municipality, it shall be the applicant's responsibility to ensure that the names and addresses regarding those properties are current and complete at the time of application submission.
- (b) All fees as specified in Section 12.7.
- (c) Six (6) paper print copies of the site plan layout in accordance with and accompanied by the information required in the Site Plan Review Regulations.
- (d) Six (6) paper print copies of the preliminary subdivision layout in accordance with and accompanied by the information required in Article 8.

#### **12.4 Filing and Submission of Concurrent Application**

1) Pursuant to RSA 676:4, I (b) the completed concurrent application shall be filed with the Board up to twenty-eight (28) days but no less than twenty-one (21) days prior to the next scheduled meeting of the Board.

2) The completed concurrent application shall be formally submitted to and accepted by the Board only at a regular scheduled public meeting after due notification to the applicant, abutters and the general public of the date the completed concurrent application will be submitted and received by the Board.

3) An incomplete concurrent application filed by the applicant will not be formally accepted by the Board nor will notices of a public hearing be mailed, posted or published as provided under Article 9.

4) Concurrent applications may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information required by these regulations, including:

- (a) Abutter's identification;
- (b) Failure to pay costs of notices or other costs and fees required by these regulations;
- (c) Failure to meet any deadline established by these regulations; or
- (d) Failure to provide the appropriate plans or information required.

## **12.5 Action on Completed Concurrent Application**

1) Pursuant to RSA 676:4, I(c)(1) the Board shall, at the next regular meeting or within 30 days following delivery of the application, for which notice can be given consider the completed concurrent application. The Board shall evaluate the subdivision and site plan separately, each on its own merits. After review of the completed concurrent application and after a duly noticed public hearing as provided in Article 9, the Board may grant a conditional approval of the subdivision layout and request the applicant to prepare a final plat as provided in Article 8. The Board may grant a conditional or a final approval of the site plan application. The Board shall act to approve or disapprove a completed concurrent application within 65 days of acceptance of the completed concurrent application, subject to extension or waiver as provided in accordance with RSA 676:4, I (f).

2) Approval of the final plat and site plan shall be certified by written endorsement on the final plat and site plan and signed by the Board.

The Board shall require subdivision and site plans to be recorded with the Rockingham County Registry of Deeds, once said plan(s) are approved or approved with conditions. As provided for in RSA 676:4, I (g), the cost of said filing is considered an administrative expense and shall be borne by the applicant. The filing fee shall be paid prior to recording. All plans to be recorded will be presented to the Rockingham County Registry of Deeds by the approved agents of the Town.

3) If the Planning Board has not obtained an extension as provided in Article 9, and has not taken action to approve or disapprove the completed concurrent application within 65 days of its acceptance, the applicant may obtain from the Board of Selectmen an order directing the Board to act within 15 days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4.

4) Conditional approval shall be valid for a period determined by the Planning Board, but in no case shall it be valid for a period greater than 90 days from the date conditional approval is granted, unless extended in writing by the Board.

## **12.6 Public Hearing**

A public hearing shall be held with notice given as described in Article 9.

## **12.7 Fees**

Applications for concurrent review shall be accompanied by the normally required fees for both a subdivision and a site plan review application plus all other applicable fees for public notice, recording, special studies, and so forth as specified in these regulations. Fees to notify abutters shall only be charged once to the applicant for a concurrent review.

# **ARTICLE 13 – OPEN SPACE DEVELOPMENT**

## **13.1 Authority and Purpose**

In accordance with Article IV S of the Nottingham Zoning Ordinance, the Planning Board may approve the creation of an Open Space Development. In order to promote the implementation of strategic objectives contained in the Town's Master Plan, the Board has adopted these regulations to encourage land development activities to set aside more open space for the purposes of maintaining the Town's character, protecting key natural resource features, preserving wildlife habitat, and creating recreational opportunities for residents. In an effort to achieve these and other related objectives of the Master Plan, the regulations contained in this Article are intended to encourage an open space subdivision than would otherwise be possible following conventional subdivision practice. All proposals for development of an Open Space Development in Nottingham should be designed to achieve as many of the objectives listed below as possible given the specific characteristics of the site under consideration.

Open Space Development (OSD) will promote the following objectives:

- a) Implement the municipality's Master Plan with respect to protection of Nottingham's natural environment and rural landscape and maintain large tracts of contiguous open space through higher density housing.
- b) Maintain rural character through preservation of farmland, forests and rural viewsapes and encourage residential development that is sited in harmony with the environment and promotes a sense of neighborhood.
- c) Preserve those areas of the site that have high environmental or ecological value including, but not limited to, upland wildlife habitat (as identified in the Nottingham Master Plan and areas of high quality habitat as based on NH Fish and Game's Wildlife Action Plan or Core Conservation Areas designated by the Land Conservation Plan for the Coastal Watershed) and significant water resources such as, but not limited to, critical watersheds, aquifers, wetlands, streams and rivers.

- d) Provide for alternative housing opportunities, including workforce housing.
- e) Reduce impact of development sprawl by decreasing potential for consecutive lot development on major roadways.
- f) Locate buildings and structures on those portions of the site that are the most appropriate for development and avoid developing in areas not suitable for development such as Hydric soil conditions, areas subject to flooding and steep slopes.
- g) Preserve historic, archeological, and cultural features located on the site.
- h) Create a permanently protected contiguous network of open spaces or “greenways” by linking the common open spaces within the open space subdivision and to open space on adjoining lands wherever possible.
- i) Reduce the amount of roads, sidewalks, and storm water management structures that must be built and maintained.
- j) Provide undeveloped frontage, where appropriate, along wildlife corridors and existing roads, protecting transportation corridors from encroachment of structures.

### **13.2 Compliance with Regulations**

- 1) The primary requirements for an Open Space Development with regard to density and dimensional standards are contained in Article IV S of the Nottingham Zoning Ordinance. All proposals for an Open Space Development shall comply with the following:
  - a) A subdivision application under this section shall comply with the application and review process specified in the Subdivision Regulations, except that sections of the Subdivision Regulations that are clearly not applicable to an open space subdivision design shall not be imposed on the applicant by the Planning Board.
  - b) Authorization to Issue a Conditional Use Permit:  
 Notwithstanding other provisions of Nottingham’s zoning ordinance, authority is hereby granted to the Planning Board, as allowed under RSA 674:21, II, to issue a Conditional Use Permit to modify the requirements of this section as follows:
    - (1) Such modifications shall be consistent with the purposes and objectives of this section;



- (2) All lots shall comply with the NH Department of Environmental Services for subsurface wastewater management under RSA 485A:38;
  - (3) All lots shall fall within the standards contained herein, and
  - (4) Shall not be detrimental to public health, safety or welfare.
- c) In the event a conflict is found to exist between any provision of this Open Space Development Ordinance and any other provision of the Nottingham Zoning Ordinance, the provisions of the Open Space Development Ordinance shall control and prevail.

### **13.3 Lot Layout**

As specified in the Nottingham Zoning Ordinance, Open Space Developments allow for the placement of dwelling units on lots of reduced dimensions, in exchange for the preservation of larger tracts of open space and protection of key natural features.

### **13.4 Road and Utility Construction Standards**

The construction of roads and utility systems within an Open Space Development shall comply with the standards specified in Part III of these regulations. The Planning Board may apply the most suitable road dimension and construction standards contained therein that are considered appropriate for the overall size and layout of the proposed Open Space Development.

### **13.5 Protection and Management of Open Space**

Prior to the approval of the final plat by the Planning Board, the Designated Open Space Area, not defined as Common Area, shall be protected and managed by one or more of the following methods subject to Planning Board approval:

- a) Easement deed conveyed to a land trust or other recognized conservation organization, the principal purpose of which is the conservation or preservation of open space, or
- b) Easement deed conveyed to the Town with Board of Selectman approval when necessary with permanent deed restrictions or conservation easement under the care, custody and control of the Conservation Commission, and be accepted by it for open space use. Land conveyed to the Town may be open for public use.

- c) The Common Area, to be managed for the Open Space Development, shall be conveyed to a cooperative legal entity of individual owners and maintained by a Homeowners' Association and shall be used and maintained exclusively for the purposes approved by the Planning Board in accordance with Article IV S paragraph 9. d) of the Nottingham Zoning Ordinance. Ownership of the Common Area shall pass within conveyance of the lots or residential units with the Open Space Development. Uses of the Common Area shall be written into the deeds and the Common Area shall be monitored by the Homeowners' Association.
- d) The developer is responsible for the maintenance of the Common Area and other facilities to be held in common until such time as the Homeowners' Association is capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the Common Area. The Planning Board shall require the applicant to provide documentation that the Homeowners' Association is a mandatory association that has been established prior to the conveyance of any lots within the subdivision.
- e) Deed restrictions and/or conservation easement documents shall be placed on file with the Town clerk upon receipt of Planning Board subdivision approval and duly recorded at the County Registry of Deeds.
- f) Design Guidelines for Designated Open Space: The location and layout of the open space shall conform to the standards and process set forth in the Subdivision Regulations.
- g) Monitoring of the Designated Open Space: The applicant shall provide sufficient funds to the Town as a one-time stewardship fee, which shall be placed in a designated escrow account for the purpose of the Town's monitoring of the designated open space. The Town's Conservation Commission or a non-profit conservation organization will provide this service and certify that the Designated Open Space is being used and managed in accordance with the approved plan consistent with Article IV S, paragraph 9. g, of the Nottingham Zoning Ordinance.

### **13.6 Development Restrictions**

Common open space shall be restricted in perpetuity from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Board and duly recoded in the Rockingham County Registry of Deeds.

## **PART III – DESIGN AND CONSTRUCTION STANDARDS**

## **ARTICLE 14 - GENERAL DESIGN STANDARDS**

This section includes design and construction standards for proposed developments within the Town of Nottingham. Each article addresses concerns regarding development on an issue-by-issue basis. Each issue is addressed in an integrated fashion. The discussions include: the considerations the Board will take under advisement when reviewing a proposal; design criteria; and the need for any additional information that shall be submitted. These standards are considered the minimum standards and may be more stringent if needed to secure the protection of health, safety and general welfare of the citizens of the proposed development, the surrounding neighborhood, the Town of Nottingham and the region.

### **14.1 Character of the Land**

The Board shall consider the physical character of the land involved, including soil types, slopes, drainage characteristics, exposure to sunlight and wind, wildlife habitat, potential views, and other such characteristics, in determining what action to take with respect to the application.

- 1) An application to subdivide land of such character that it cannot, in the judgment of the Board, be safely used for the proposed purposes because of danger to public health or safety shall not be approved.
- 2) Where the character of the land is not adequately considered, the Board may require modification of the application to enhance the function and quality of the development, or to reduce adverse impacts resulting from the development.
- 3) Lots shall contain contiguous areas of developable land such that the driveway, building, water supply and sewage disposal, and other improvements can be constructed without filling of wetlands or other such adverse impacts that could be eliminated by different subdivision design. The number of lots may be reduced by the Board to reduce adverse impacts. The Board shall have the authority to require design changes to minimize impacts regardless of the actions of other local or State permitting actions, such as the issuance of a permit to fill wetlands for a driveway crossing.

### **14.2 Lot Shape and Site Layout**

These regulations are intended to assure conformance with the requirements, intent and purpose of the Zoning Ordinance. These regulations pertain to lot shape and size within a proposed subdivision and are intended to: secure safe, convenient, and prosperous developments for the current owner and all subsequent residents; provide adequate access for safety vehicles; provide additional areas on each lot necessary to accommodate on-site septic facilities; provide for clarity of ownership; and, to prevent the occurrence of zoning violations caused by poorly designed lot shapes.

These regulations are intended to support implementation of the zoning ordinance and provide clarity and flexibility in the administration of said zoning ordinance where questions are left unresolved. They are not meant to supplant the zoning ordinance and may be waived in accordance with Section 11.1 General Waiver Provision.

#### **14.2.1 Intent and Purposes for Lot Shape and Size Regulations**

The intent of these regulations is to enhance and ensure consistency with the Nottingham Zoning Ordinance and the following purposes:

- 1) To promote lots that are shaped in a manner that promotes clarity of ownership access across fee-title land rather than easements, and to promote the convenient and harmonious development of the land.
- 2) To prevent close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land.
- 3) To prevent the close proximity of house sites that may create conflicts in the use of the land, including maintenance disputes and property ownership disputes between landowners.
- 4) To prevent lot shapes that cannot reasonably be interpreted as an orderly layout of the land and to ensure that the proper description of ownership will carry forward in time.

#### **14.2.2 Lot Shape**

- 1) Lots shall be shaped in a manner that promotes clarity of ownership.
- 2) To maximum extent possible all new lots shall be rectangular in nature.
- 3) No portion of a lot created under these regulations shall be less than 75 feet in width except as provided for in Subsection 14.2.4, creation of backlots.
- 4) The lot length-to-width ratio should generally not exceed three-to-one (3: 1).
- 5) Corner lots should have extra width sufficient to permit a setback on each street.
- 6) Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- 7) Sidelines of lots shall generally be at right angles to straight streets and radial to curved streets.

### **14.2.3 Lot Layout Standards**

- 1) Where lots abut existing roads with a high traffic volume, at the discretion of the Planning Board, internal access roads or reversed frontage approach may be required to minimize the number of driveways and/or streets that have access to the high volume streets.
- 2) Land used for nonresidential development or multifamily-dwellings shall not be subdivided into a shape or size that will not enable the existing (and assumed to be continued) use to conform to the standards of the Site Plan Review Regulations.

### **14.2.4 Backlots Permitted**

As provided for in the Town's Zoning Ordinance, a lot of record prior to March 9<sup>th</sup>, 1993 shall be permitted to be subdivided as backlots subject to the following provisions.

- 1) One backlot maximum per subdivision.
- 2) Minimum frontage of 20 feet on a Class V, or better road.
- 3) The neck lot area cannot be used in the minimum lot size calculation and is exempt from other lot shape requirements.
- 4) The backlot shall be deeded as unsubdividable.

### **14.3 Building Placement**

The following criteria should be considered as design standards. It is recognized that not all of these standards may be achievable in every case. For this reason, each application shall be carefully considered and waivers may be granted where appropriate.

- 1) Building envelopes should be selected so as not to intrude on the tops of ridge lines.
- 2) Building envelopes should be located to minimize the visual impact of the development unless such placement is part of an integrated plan to protect viewsheds or minimize the visual intrusion of the improved portion of the subdivision.
- 3) Building envelopes shall not include wetlands or floodplains.
- 4) Building envelopes should not include areas with slopes in excess of 25%.

#### **14.4 Protection of Existing Natural and Historic Features**

- 1) Each significant natural feature within the site including large or unusual trees, watercourses, wetlands, natural stone outcroppings, and other scenic features shall be shown on the plan.
- 2) The subdivider shall give due regard to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historic landmarks. It is recommended that such significant features be preserved in the development of the site.
- 3) Due regard shall be given to preservation of existing trees, shrubbery and other vegetation within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being subdivided. The subdivider shall comply with the following requirements:
  - a) To the fullest extent possible, all existing trees and shrubbery shall be preserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery and vegetation during construction of roads and utilities.
  - b) Where any land other than that included in public rights-of-way is to be dedicated to the public use, the subdivider shall not remove any trees from the site without written permission from the Planning Board.
  - c) All disturbed areas that are not covered by structures or paving shall be properly seeded or replanted by the subdivider, using native species and noninvasive plant types.
- 4) Each existing building or man-made structure, including stone walls, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board review.
- 5) If subdivisions impact, or are accessed via designated Scenic Roads (as defined in RSA 231: 157), mitigating measures shall be taken to preserve the scenic quality of such roads. These measures may balance the needs and requirements for safety and health, but should only minimally consider economic expediency.

#### **14.5 Fire Protection**

Fire hydrants, fire ponds, cisterns, and other improvements reasonably required for fire safety shall be installed to Nottingham Fire Department specifications and approved by the Planning Board. These items shall be shown on the subdivision plan and installed by the applicant. All required fire protection standards shall be operational prior to the issuance of any certificate of

occupancy.

The applicant shall consult with the Nottingham Fire Department to determine what, if any, appropriate fire protection measures are reasonably necessary. The applicant shall provide the Planning Board with the results of such consultation in the form of a letter or representations of facilities on the plan. The Planning Board may require additional fire protection measures in addition to the Nottingham Fire Department's recommendation if reasonably necessary.

#### **14.6 Lands Divided by Public Rights-Of-Way**

Any transfer, conveyance, or sale of land held in one (1) ownership but already divided into lots or parcels of land by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations and shall not be required to conform to the procedures set forth herein.

#### **14.7 Plats and Access Crossing Municipal Boundaries**

Whenever access to a subdivision or site plan within the Town is provided over a public road in another Town, or when a portion of the land in a subdivision or site plan is located in another Town, the provisions of RSA 674:53 shall apply.

#### **14.8 Reserve Strips Controlling Access to Subdivision or Other Parcels**

Privately owned reserve strips shall not be permitted that control access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may so be dedicated, unless such reserve strip is an open space area.

#### **14.9 Rights-of-Way**

Rights-of-way shall be kept clear of buildings, parking lots or similar obstructions. A right-of-way shall not be used as a method to connect two (2) nonadjacent lots to make a single lot nor shall a right-of-way be considered as part of an adjacent lot when determining minimum lot size.

#### **14.10 Names of Subdivision and Streets**

The name of the subdivision or roads shall not duplicate or too closely resemble the name of any other subdivision or road within the Town. Streets obviously in alignment with existing streets shall be given the name of the existing street. Street names must be approved by the Board of Selectmen and regulation street signs must be installed at all

intersections prior to issuance of any building permits. See appendix 3 for preapproved road names.

#### **14.11 Topsoil**

Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all disturbed areas of the subdivision.

#### **14.12 Mixed Use (Commercial and Multiple-Dwelling Units)**

Each building used for commercial purposes without dwelling units shall be considered a single unit. In a building containing both commercial and dwelling units, each dwelling unit shall be counted as one (1) unit, and all of the commercial occupants shall be counted as one (1) unit. In a proposed development of mixed commercial and residential uses, there shall be adequate lot size to accommodate any existing structures and uses, required parking areas, septic areas and required greenspace prior to calculating the available acreage balance for additional units.

#### **14.13 Sanitary Facilities Required**

It shall be the responsibility of the developer and/or property owner of a proposed subdivision to ensure that temporary sanitary bathroom facilities are available on the site of the proposed development prior to the initiation of any site work. Site work shall include tree cutting/removal, clearing, grading, or construction of any type. The developer and/or property owner will also be responsible for insuring that said bathroom facilities are maintained on a regular schedule to prevent any threats to public health and safety.

### **ARTICLE 15 – ROAD & DRIVEWAY DESIGN & CONSTRUCTION STANDARDS**

#### **15.1 General Requirements**

The purpose of these standards is to ensure safe vehicular and pedestrian travel on all public and private streets within the Town of Nottingham. Proper design requires the blending of safe roadway layout and grade with minimization of impacts on the existing terrain and environment. These standards are further intended to be the minimum necessary to ensure public safety while allowing flexibility in light of different traffic volumes and terrain conditions.

- 1) Consistency - All subdivisions shall have adequate provision for safe and suitable access to a Class V or better road or shall make provisions for the construction and dedication of a Class V or better road in order to obtain safe and suitable access to the subdivision. Where an adjacent existing



street from which access is gained is deemed to be substandard, the upgrading of said street shall be provided for, as may be required by the Town of Nottingham Highway Department. Where traffic from a proposed subdivision will adversely impact a nearby street or intersection, provisions shall be made for the mitigation of said impacts. Proposed streets, whether to be dedicated as public streets or retained as private streets, shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, emergency equipment, snow removal, sanitation, and road maintenance equipment. The arrangement and character of all streets in a subdivision shall conform to the Nottingham Master Plan, and shall compose a safe and convenient system in relation to other existing and planned streets, to topographical conditions, and to the proposed uses of land to be served. Existing stone walls shall be retained where possible or relocated and restored as required by the Board.

- 2) Rights-of-Way-No street or highway right-of-way shall be less than fifty feet in width, except when topography or physical conditions make additional development in the future unlikely, in which case the minimum right-of-way shall be thirty-six feet. The Planning Board shall require a greater width where warranted by demographic projections, build-out analyses, or other information suggesting a likelihood of further development. The apportionment of the right-of-way between roadway, sidewalks, bike lanes, and vegetated strips shall be subject to Planning Board approval. The applicant shall provide evidence of legal title and sufficiency to any right-of-way or permanent easement.
- 3) Arrangement of Streets-The streets in a subdivision, planned unit development, mixed-use commercial development, or office/business park development shall be properly arranged and coordinated with other existing or planned streets. Streets and driveways should be laid out to reflect topography and result in the least site disturbance possible.
- 4) Dead-end Streets/Cul-de-Sacs-A cul-de-sac may serve no more than twenty residential units, in a conventional subdivision, or forty (40) in an Open Space Development. In no event shall dead-end streets exceeding 2000 feet be approved, unless alternative provisions approved by the Nottingham Fire Department and Planning Board are in place to provide emergency ingress/egress. Dead-end streets shall be equipped with a turn-around roadway at the closed end, in compliance with AASHTO and/or NH- DOT standards. The maximum grade through a cul-de-sac shall be 3%.
- 5) Safety- All subdivision roads must be constructed as to allow emergency vehicles to safely enter, drive upon and exit, prior to the issuance of any building permit. Every effort shall be made to ensure safe passage to and from the furthest building in any development that is under construction.

### 15.1.1 Highway Bounds and Signs

- 1) Highway bounds of granite at least thirty-six (36) inches in length and four (4) inches square shall be installed at the right-of-ways, at all points of change in direction, point in curvature and at any other points the Planning Board may deem necessary to designate the street lines.
- 2) Signs shall conform to the Manual of Uniform Traffic Control Devices.

### 15.1.2 Access

No subdivision shall be approved unless the property to be subdivided shall have frontage on and access from an existing Class V or better road. Each lot shall have a safe, independent and direct access from a Class V or better road. Where warranted, the Board may require that a driveway be shared by up to two (2) lots. All portions of such a drive that are commonly shared shall be improved to facilitate two (2)-way traffic flow beyond Town right-of-way. Rights of passage over and across such a driveway shall be established by easement for each of the lots so served.

## 15.2 Road Classification & Design

A list of existing roads in Town and their ownership classification is included in Appendix 1. Public and private roadways in the Town of Nottingham are classified as follows.

- 1) **Arterial Road or Street** - Streets intended to carry traffic from collector streets to the system of highways. A street intended to move through traffic to and from major collectors. Arterial roads and streets are those that carry an average daily traffic volume in excess of 5,000 vehicles per day.
- 2) **Collector Road or Street** - Streets that carry traffic from local streets to the major system of arterial streets and highways. Collector roads or streets generally collect and distribute traffic in minor traffic generating areas. The average daily traffic carried on a collector road or street is 1,000 to 5,000 vehicles per day.
- 3) **Local Access Road or Street** - Streets used primarily for access to abutting properties, designed and intended to carry through traffic. Local access roads and streets are primarily intended to carry an average daily traffic volume of 1,000 vehicles per day or less. In general, local access roads provide access to individual parcels of land to collector streets and in some cases arterial streets.
- 4) **Cul-de-sacs and Dead-Ends** - Streets, including loop streets, with only one point of access from an approved street with multiple points of access.

- 5) **Private Road or Street** - All streets on property held under private ownership and not maintained by the Town.

### **15.2.1 Road Design Standards**

Public and private roadways in the Town of Nottingham shall be designed to the requirements of the Road Design Standards and Guidelines. The minimum pavement width for local access roads is 20 feet. When curbing is required on rural roads such as intersections or steeper grades, then the pavement width shall be increased by two feet. Roads in areas zoned Commercial or Town Center District shall vary based on accepted methods of design, number of lanes, the need for bike lanes, on-street parking, and other special conditions and needs.

#### **Minimum Design Requirements**

- 1) New roads shall be designed to conform to the minimum standards established. Minimum Road Design Standards, and as shown in Appendix 6 Typical Roadway Cross Section. Roadway design standards shall conform to the classification most accurately representing the proposed and likely future use. The Planning Board may require a higher classification if warranted by demographic projections, build-out analyses, or other information suggesting a likelihood of further development.
- 2) For all uses other than single family residential the Average Daily Traffic volume shall be calculated using *Institute of Transportation Engineers - Trip Generation Manual*. Actual local traffic data, where applicable, may be used to supplement the calculated volume.
- 3) If streets have the potential for extension to additional developable property or other street networks, the Planning Board may require appropriate increases in traffic volume estimates. The Planning Board may require a higher road design standard where it is determined that greater traffic volumes warrant the higher standard.
- 4) The Planning Board may impose a more restrictive standard for commercial/industrial developments than required by Table 1, Minimum Road Design Standards, when necessary to accommodate the proposed use.

### **15.3 Driveway and Access Design Standards**

Traffic access to the site from Town streets shall ensure the safety of vehicles, bicycles and pedestrians. These regulations are adopted in accordance with RSA 236:13, having received authorization to review subdivisions under RSA 674:35. Furthermore, these regulations are adopted in accordance with RSA 674:36 as they relate to not only safety of driveway and access, but also to the harmonious development of the municipality and its

environs specifically with respect to access onto Town designated scenic roads. The Board, or its designee, shall approve the design for a proposed ingress/egress point onto the public way. Said point shall provide adequate sight distance in accordance with the provisions of this Article. The design and construction standards for driveways and access are as follows:

### **15.3.1 Number of Access Points to Roads**

In all cases, the number of access points to a given street shall be held to a minimum, preferably one point of access in order to reduce traffic hazards from turning movements and to ease the installation of traffic control devices, when necessary.

- 1) Two Driveways or Accesses- for one lot shall be allowed only when a lot has a frontage of 300 feet or more.
- 2) Driveways or Accesses- shall be located at least 100 feet from street intersections and major driveway entrances, where possible.
- 3) Common Driveways- may be utilized; however, no more than two (2) houses may share a common drive.
- 4) Intersections-Where practicable street intersections shall be 90 degrees. In no event shall the angle of intersection be less than 60 degrees. Property line radius at intersections shall be no less than 25 feet or in compliance with applicable AASHTO or NHDOT standards. Refer to Table 1 for additional requirements.
- 5) Street Names- Every street serving more than two (2) separately addressed structures, shall have a name which shall be approved by the Board of Selectmen in accordance with the provisions of RSA 231:133.
- 6) Existing Street Conditions-If a project under review by the Planning Board requires improvements to a public street over and above normal maintenance, including but not limited to road width, turning radius, sight distance, drainage systems (open and closed), and water and sewer systems (if applicable). The cost of such improvements shall be borne solely by the applicant.

### **15.3.2 Driveway Design**

- 1) Width - Minimum widths of twelve feet (12') for residential and twenty feet (20') for non-residential driveway. Maximum width of eighteen feet (18') for residential and thirty-six feet (36') for non- residential driveway.
- 2) Intersection Angle- 90 degree +/- 15 degrees intersection with street.

- 3) Intersection flares - At a minimum, single family driveways shall provide a fifteen (15) foot curb radii.
- 4) Grade - Driveway grade shall not exceed an eight percent (8%) grade and shall maintain a negative grade until it is beyond the ditch line.
- 5) Curbing - Commercial driveways require curbing and a minimum radius of twenty-five (25) feet.
- 6) Aprons - Unpaved driveways will require paved aprons with a minimum distance of twelve (12) feet from the edge of roadway pavement.
- 7) Drainage - A culvert, with minimum dimensions of twelve (12) inches in diameter and thirty (30) feet in length, shall be required under driveways in the right-of way of the connecting public street. Under certain circumstances, the Road Agent may determine that a larger culvert is required to address specific site conditions.

### **15.3.3 Related Improvements**

- 1) The Board may require improvement of existing access/egress point(s) in order to provide safe traffic flow onto abutting streets, should an increase in traffic be generated by the proposed development.
- 2) Off-site improvements may be required, such as, but not limited to, increasing pavement width or adding deceleration lanes, curbing and signaling devices, in order to mitigate hazardous impacts that are generated by the particular needs and impacts of the site.
- 3) Curbing
  - a) The Planning Board may require curbing where it is deemed appropriate and necessary to control drainage, improve traffic control, provide slope and pavement stability, or ensure pedestrian safety. Curbing shall be straight granite or sloped granite curb.
  - b) The construction of curbing shall be in accordance with AASHTO and/or NH-DOT standards.

### **15.3.4 Safety Requirements**

- 1) Traffic circulation, pedestrian access, parking and any loading facilities, and emergency access shall be designed and located in a manner that ensures maximum safety in the subdivision.

- 2) Driveways shall be located in such a manner as to promote all season safe access and to prevent unreasonable negative impacts to the owners or occupants of neighboring parcels.
- 3) All new driveways entering paved roads shall be paved for a distance of twelve (12) feet from the edge of traveled way. The paved portion shall be constructed to prevent any drainage from entering onto the traveled way.

### **15.3.5 Access to State Highways**

Driveways and access onto State highways shall be designed in accordance with the New Hampshire Department of Transportation's Administrative Rules 302, as amended, and receive from NH DOT written approval there under prior to final Town approval of the subdivision plan.

### **15.3.6 Scenic Road Access**

No driveway shall be permitted on a scenic road designated in accordance with RSA 231:157 unless permitted in accordance with these regulations and Figure 4B - Road Design Standards and Recommendations. A full list of Designated Scenic Roads in Nottingham is included in Appendix 1.

- 1) Driveways on scenic roads shall meet or exceed all requirements of Subsection 15.3.2.
- 2) Plans for driveway location within the Town right-of-way, including stone walls to be relocated or removed and trees to be removed, must be submitted to the Conservation Commission for review prior to Final Subdivision approval. The Conservation Commission may submit comments to the Board regarding siting and mitigation efforts such as those required by paragraph 3) below. These comments shall be incorporated into the decision of the Planning Board, unless specifically rejected by majority vote.
- 3) To the maximum extent possible, significant trees and stone walls in the Town right-of-way must be maintained. Where the driveway crosses any existing stone wall, the stones must be used to upgrade the existing wall where possible, under the direction of the Planning Board designee and by approval of the Planning Board.
- 4) Nothing in this section shall limit or affect the rights of any landowner with respect to work on that landowner's property.

## 15.4 Private Roads

Private roads and streets serving developments shall remain in private ownership and the developer shall provide legal instruments to ensure their continued maintenance and ownership by the individual lot owners or through a homeowners association. If a Homeowners, or similar type of Association, is created for this purpose, all property owners within the subdivision must be members of the Association. All private roads shall comply with these and other Town regulations relating to construction and maintenance.

- 1) Private roads servicing three (3) or more lots or units shall conform to the standards of this Article since residents on private roads, as taxpayers, are entitled to the same quality as a Town-accepted road and since, at some future date, the taxpayers may petition the Town for acceptance of the road. Paving may be waived by the Planning Board for private roads with low traffic volumes and moderate grades. Before an unpaved private road may be accepted as a Town road, it shall be paved and brought up to Town standards in effect at that time.
- 2) The subdivider shall supply to the Planning Board acceptable evidence of legally imposed requirements designating a reasonable and enforceable manner and procedure in perpetuity for the collection of contributions to ensure proper maintenance of all private roads and common facilities of the subdivision by owners of lots having rights thereto. The subdivider shall also supply acceptable evidence to the Planning Board determining legal responsibility and time schedules for completion of construction of all roads and common facilities of the subdivision, provided that phasing of the same concurrently with the phasing of the subdivision may be permitted.
- 3) Any private road constructed within the Town will be inspected as described in this Article. This evaluation will apprise the Planning Board and owner(s) of any deviation(s) from the minimum standards of road design and construction as adopted for the Town and will provide the Planning Board and owner(s) with a base from which to start should work be required to bring the road up to minimum design and construction standards should the road ever be considered for acceptance as a Town road.
- 4) It is the policy of the Town that no private road will be accepted as a Town road unless its design and construction meet the standards set forth in this Article.
- 5) The road construction standards may be waived in whole or in part by the Planning Board for private roads servicing three (3) or more lots, provided that such roads comply, geometrically, with the road standards. Any subdivision road that has had construction standards waived by the Planning Board at any time may not be used as access for any additional residential units until such road has been reconstructed to comply with the then-applicable road construction standards of this Planning Board. A notation regarding the stipulation above, as well as a notation stating

what was waived, shall be placed on the final plat to be registered.

## **15.5 Sidewalks, Bikeways and Trails**

### **15.5.1 Determination of Appropriateness**

Sidewalks/walkways, and/or trails and bikeways, where appropriate, shall be provided for pedestrian traffic to provide connection between the subdivision and nearby destinations. Pedestrian walkways are generally intended to mean a widening of the paved road surface (e.g. a paved shoulder) that allows for some separation between vehicular and pedestrian travel within the street right-of-way.

For development in certain areas, such as within the Town Center District, the Board may require that raised sidewalks be installed. Raised sidewalks shall be at least six (6) inches above grade and shall be protected by curbing. Sidewalk designs shall include means for handicapped access. All raised sidewalks shall be privately maintained. The Board shall consider the following when determining the appropriateness of sidewalks, walkways and/or trails and bikeways:

- 1) Proximity to schools.
- 2) Whether recreational facilities and land are available within the subdivision.
- 3) Proximity to commercial destinations, including, but not limited to, restaurants, stores, shops, etc.
- 4) Proximity to other pedestrian or bikeways, including "abandoned" ways or sidewalks.

### **15.5.2 Raised Sidewalk Placement and Design Standards**

In commercial districts, raised sidewalks may be required on both sides of the street.

- 1) Width and Placement- As a matter of pedestrian safety, sidewalks shall be a minimum of five (5) feet wide and setback a minimum of five (5) feet from the curb face, and ten (10) feet in the vicinity of schools. On new roads in the Village District, sidewalks may abut the curb face if the road layout also includes on-street parking.
- 2) Material - Sidewalks shall be concrete poured at four inches (4") thickness with a 4000 PSI mix and 5 to 7 percent air entertainment. Concrete shall be poured at no more than four (4)" slump. Acceleration admixtures shall not be used. The concrete shall be reinforced with 6 x 6 WWF #4 x #4.



- 3) Subbase - A seven-foot (7') wide, one foot (12") deep subbase of one and a half inch (1 ½ ") gravel (NHDOT Item 304.3) shall be used. Compaction of the subbase shall be in accordance with Section 15.8. Expansion joints shall be installed in accordance with NHDOT standards at 4' spacing. Sidewalks shall be treated with Silane-Siloxane or equal. Sidewalks shall have a broom finish.
- 4) Driveway Crossings - Where sidewalks cross driveways, they shall ramp down to the level of the driveway. The sidewalk shall be six inches (6") thick concrete for the width of the driveway and ramps. The subbase for this width shall be twelve inches (12") of one inch to one and a half inches (1"-1/2") crushed gravel (NHDOT Item 304.3). Sidewalks greater than five feet in width may be required in these areas.

### **15.5.3 Bikeways and Trails Placement and Design Standards**

Public bikeways, pedestrian walkways, or bridal trails may be required by the Planning Board if it determines the construction of trails will connect to existing or planned trail systems and be desirable to the character and nature of the neighborhood. These may or may not be part of the normal sidewalk provisions, but they shall be part of any lot in the subdivision. Bikeways and trails shall conform to the following standards unless an alternative design is mutually agreeable to both the Board and applicant:

- 1) Minimum right-of-way width: fifteen (15) feet
- 2) Minimum pavement width: ten (10) feet

### **15.6 Road Construction Standards**

#### **1) Subgrade**

All trees, roots, vegetation, loam, humus, and other organic material shall be stripped to below the base course for the full width of the roadway and shoulders, and replaced with acceptable granular fill material. The subgrade fill or backfill shall be compacted in lifts in accordance with applicable AASHTO or NH DOT standards. In no case shall lifts exceed 12" in depth. The subgrade shall be graded in the general cross slope configuration shown in Exhibit 1, Typical Section Paved Roads or Exhibit 2, Typical Section Gravel Roads.

- a) Boulders and/or ledge shall be removed to a uniform cross sectional depth of not less than twelve inches (12") below the subgrade level shown Exhibit 1, Typical Section Paved Roads or Exhibit 2, Typical Section Gravel Roads, and replaced with suitable fill material graded and compacted to the subgrade level.

## 2) Base Course

Bank-run gravel or one inch (1") dense-graded crushed ledge, free of organic material, shall be spread over the entire width of the proposed pavement, shoulders and extended to all open drainage ditches to a depth in compliance with Appendix 4, plus six inches (6") of crushed gravel or minus crushed ledge.

- a) The bank run gravel and crushed gravel shall be placed in lifts not exceeding six inches (6") and in the cross slope configuration as shown in Exhibit 1, Typical Section Paved Roads or Exhibit 2, Typical Section Gravel Roads.
- b) Base course gravel and crushed gravel shall conform to the New Hampshire Standard Specifications for Road and Bridge Construction, Division 300, Section 304.

## 3) Compaction

Roadway subgrade and base courses shall be compacted to 95% of maximum density proctor method in accordance with AASHTO T-99.

### 15.6.1 Pavement

- 1) Binder Course - A two inch (2") lift of pavement meeting New Hampshire Standard Specifications for Road and Bridge Construction, Division 400, Section 401, Table 2, Type B, shall be installed and;
- 2) Wearing Course - A one inch (1") lift of pavement meeting New Hampshire Standard Specifications for Road and Bridge Construction, Division 400, Section 401, Table 2, Type E, shall be installed.
- 3) Temperature - Pavement shall not be installed when the outside air temperature is below 40 degrees Fahrenheit, nor when the road base temperature is below 40 degrees Fahrenheit. Temperature of pavement mix relative to road base temperature shall be in accordance with Table 4. Pavement shall not fall below 185 degrees Fahrenheit prior to the Completion of rolling. Pavement shall not be installed when the sub grade is frozen or the grades are incorrect. On newly constructed roads, the base course and the wearing course shall not be installed in the same season.

TABLE 4 - RECOMMENDED MINIMUM PLACEMENT TEMPERATURES	
Base Temperature	Mat Thickness in Inches (cm)

(Degrees F)	1/2 (1)	3/4 (2)	1 (2.5)	1 1/2 (4)	2 (5)	3 (7.5)
+40 - 50			310	300	285	275
+50 - 60		310	300	295	280	270
+60 - 70	310	300	290	285	275	265
+70 - 80	300	290	285	280	270	265
+80 - 90	290	280	275	270	265	260
+90	280	275	270	265	260	255
Rolling Time (Minutes)	4	6	8	12	15	15

\* Base on which mix is placed I.e. = 0.555 (F-32) J2 and greater

### 15.6.2 Shoulders

Shoulders shall be installed on both sides of the street and shall consist of modified crushed gravel, NHDOT Item 304.33. When curbs are installed, this section shall not apply.

### 15.6.3 Loaming and Seeding

- 1) All remaining disturbed areas within the right-of-way shall have four inches (4") of loam, installed said loam shall be free of stumps, roots and other unsuitable material.
- 2) All remaining disturbed areas within the right-of-way shall be fertilized and seeded in accordance with Section 646 of NHDOT specifications.
- 3) The seeding of slopes and ditches shall require the use of erosion control matting.

### 15.6.4 Road In Cut/Fill

Side slopes in fills shall be no steeper than three (3) horizontal to one (1) vertical (3H: 1 V), graded, loamed and seeded as required to match to original ground with appropriate slope easements outside of the roadway right-of-way (R.O.W.). Typical section shall match Exhibit D5. All slopes in ledge cut shall be no steeper than 1H: 1 V and provide for a fall zone (max slope at 4H: 1 V) with a width equal to fifty percent (50%) of the height of the cut. A chain link fence shall be provided at the top of the ledge cut. The fall zone shall not be located in the roadway R.O.W. The Applicant shall provide proper construction details to show the required information. Underdrains shall be provided in all roadway cut sections where needed.

### 15.6.5 Street Lights

Street lights shall be provided if required by the Board.

### **15.6.6 Guardrail**

Guardrail shall be metal beam on wood posts, meeting the New Hampshire Department of Transportation Standards and Specifications. All guardrail installation must end safely using a MELT -type terminal unit. FLEAT or ELT- type units may be permitted by the Town Highway Department. Guardrail shall be used in locations where the New Hampshire Department of Transportation's typical warrant for guardrail is met and/or as required by the Board.

### **15.6.7 Roadside Drainage**

Roadside drainage shall be maintained by roadside swales, as required to control runoff and directed by the Town of Nottingham Highway Department. Street drainage shall be maintained by closed drainage system as follows.

- 1) Drainage Calculations - Adequate disposal of surface water shall be provided. Provision must be made for natural watercourses. Drainage calculations must be submitted to the Planning Board for their approval. For drainage areas of less than 200 acres the Rational Method shall be utilized, using a ten-year storm frequency, except for structures that are greater than thirty inches in diameter, in which case a twenty-five year storm frequency shall be used. For drainage areas greater than 200 acres Potters Small Watershed Analysis or other methods as approved by the Planning Board or their representative shall be used.
- 2) Culverts - All culverts shall be at least twelve (12) inches in diameter and shall be galvanized corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), or HDPE plastic pipe (Hancor or ADS). No aluminum shall be allowed.
- 3) Pipe - When pipe systems are included in a road design, plan profile sheets shall be required for the systems showing proper sizing, slopes, inverts, etc.
- 4) Ditches - Ditches shall not be permitted at grades above eight percent (8%), which require curbing, culverts and basins, or at grades above six percent (6%) when the developed length exceeds 250 feet.
- 5) Crown - The street crown, center to shoulder, shall be 1/4 inch per foot. When designing a super elevated street, the banking shall not exceed 3/4 inches per foot, and must be accompanied by engineering calculations.
- 6) Headwalls - Headwalls of proper design including stream damming shall be required at the inlet end of all culverts.

- 7) Underdrain - Underdrain shall be used in cut sections or where the seasonal high water table is within three feet (3') of the sub-base elevation.

#### **15.6.8 Curbing**

- 1) Curbing may be required in the following locations if the Board determines their application is appropriate: in the Village District; for major access roads for residential subdivisions; for intersections with arterial or collector roads; and, on any road that exceeds eight percent (8%) grade or six percent (6%) when the developed length exceeds 250 feet.
  - a) All roadways where curbing is required shall be curbed on both sides.
  - b) The use of curbing requires basins and culverts for drainage.
- 2) Roads without sidewalks shall be curbed with cape cod-type bituminous berm. Roads with sidewalks shall be curbed with vertical granite curbing on both sides of the roadway. If there are no sidewalks then either vertical or sloped curbing is acceptable.

#### **15.6.9 Miscellaneous Road Design and Construction Procedures**

- 1) Consultants - The Planning Board may hire consultants to review plans, perform inspections and/or perform other duties related to the project as they deem appropriate. All costs of said consultants shall be paid by the applicant.
- 2) Inspections - Initial inspection shall take place upon submission of proposed road plans. It is the responsibility of the owner(s) to have roads laid out with grade stakes at every half station. The Board will notify the owner(s) of the date of inspection. Prior to the start of the work, a preconstruction meeting will be held to review procedures, identify responsibilities and discuss Town requirements. During construction, the applicant shall notify the Town Highway Department two (2) business days prior to the required inspections. Upon notification of applicant, Town Engineer or designee shall perform the following inspections within 48 hours:
  - a) Cleared and Grubbed - Roadway is clear and grubbed down to native soil, free of loam or other unsuitable materials prior to the placement of any fill.
  - b) Drainage - Installation of pipe, culvert, basins, etc.
  - c) Subbase gravel - Subbase gravel is installed and compacted.
  - d) Crushed gravel - Crushed gravel is installed and compacted.

- e) Pavement installation- Applicant must notify the Town of date(s) that pavement will be installed. The Town must give approval prior to the placement of pavement. The Town must be present during the installation of pavement.
- f) Utilities-Installation of conduits, cables, pipe, and warning tape for electric, water, sewage, etc. The Town must be present during the installation of utilities.
- g) As Built Plans- Shall be maintained on a daily basis, weekly inspections will be conducted.
- h) Final inspection - After the submission of as built drawings and prior to the release of the surety, the Town shall conduct a final inspection. All items from the Town's punch list shall be addressed prior to the acceptance of the work.
- i) Failure to notify the Town or their designated representative of said inspection points shall give the Town the right to reject the work and require reconstruction. The Town and/or their designated representative shall at all times have access to the site for the purpose of performing inspections. The cost of inspection and testing shall be paid by the applicant(s).

#### **15.6.10 Surety of Work**

- 1) Proper surety in the form of cash bonds must be submitted to the Town to ensure the completion of work. No work shall start on the property until proper surety is in place. The surety amount shall be 115% of the current estimated cost.
- 2) An itemized cost estimate shall be submitted for approval to the Planning Board's agent, and Town Counsel prior to the surety being accepted. The cost estimate shall include the costs of inspection and testing. Surety may be drawn down no more frequently than monthly. In no case shall the surety be drawn below ten percent until the completed road has successfully stood for two (2) years.
- 3) The surety may be used by the Town to repair work that has failed or was not performed in accordance with the plans and specifications, to restore the site should the project default, to cover the cost of testing and inspections and to cover legal or other fees the Town may incur during the collection process.

#### **15.6.11 More Stringent Provisions**

- 1) The applicant shall submit two complete sets of street design plans for the Planning Board's review. The applicant shall also submit two copies of any revisions made to the plans for approval. The plans shall be submitted on twenty-

two by thirty-four inch plan/profile paper and shall be done with a horizontal scale of 1" = 40' and a vertical scale of one inch equals ten feet (1"=10').

2) Data Requirements

- a) Title showing the name of the subdivision, name of the street and name of the owner, date (day, month, year), revision history, scale, and name and seal of an engineer licensed in the State of New Hampshire
- b) Right-of-way lines
- c) Slope and drainage easements
- d) All centerline data (tangent lengths and bearings, curve data and stationing)
- e) Edge of pavement lines
- f) Cross sections at each half station
- g) Existing grade at each half station (on profile and cross section)
- h) Proposed grade at each half station (on profile and cross section)
- i) Length of vertical curves and data (on profile)
- j) Sight distance of horizontal and vertical curves
- k) Design speed
- l) Type of terrain considered to control design
- m) Average daily traffic (ADT) based on "ITE Trip Generation Manual, 1987"
- n) Design Year based on tenth year after opening year
- o) Drainage structure location and inverts, station, skew, length, slope and end treatment
- p) Benchmarks not more than five hundred feet apart
- q) Utility locations and details
- r) Specific material specification or reference
- s) A detailed engineer's estimate of construction cost
- t) A notarized letter fixing the legal responsibility for maintenance of the streets
- u) Grading plan showing existing and proposed contours at a minimum of two foot intervals within the right of way

- v) General notes for Inspections (see Subsection 15.8.9 for inspection requirements)

#### **15.6.12 As-Built Plans**

- 1) In order to ensure the proper construction of development roads, As-Built Plans shall be presented to the Board or their designee for their review prior to final draw down of the surety for the project.
- 2) Except for those referred to above, the Planning Board does not require as-built subdivision plans, nor will it stamp and sign such plans. The only as-built subdivision plans, which the Board will stamp and sign, are the plans that show the location of structures and roadway designs. Such plans shall:
  - a) Be certified to be correct and stamped by a New Hampshire Licensed Surveyor or Civil Engineer;
  - b) Be accompanied by Certificates of Occupancy, if applicable;
  - c) Clearly identify in the title block exactly what the as-built plan is approving; and
  - d) Have the following plat note printed on each sheet: These as-built plans are pursuant to, and without modification of, the original Planning Board approval.

### **ARTICLE 16 - DRAINAGE, EROSION & SEDIMENTATION CONTROL STANDARDS**

#### **16.1 General**

The purpose of this regulation is to control soil erosion and sedimentation resulting from site construction and development. Subdivision and site plans shall include plans for controlling erosion and sedimentation as provided below.

#### **16.2 Design Standards for Erosion and Sedimentation Control**

The following standards shall be applied in planning for erosion and sedimentation control:

- 1) All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire, as amended, by the



Strafford County Conservation District.

- 2) Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
- 3) Appropriate control measures shall be installed prior to removal of vegetation.
- 4) The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized by appropriate measures.
- 5) Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and water bodies shall be protected from sediment.
- 6) Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
- 7) Naturally occurring streams, channels and wetlands shall be used for conveyance of runoff leaving the project area after appropriate treatment.
- 8) All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days.

## **16.3 Plan Requirements**

### **16.3.1 Preliminary Plan Requirements**

A preliminary plan is optional. If submitted, it shall include the following:

- 1) Site drawing of existing and proposed conditions:
  - a) Locus map showing property boundaries
  - b) North arrow, scale and date
  - c) Property lines
  - d) Easements
  - e) Structures, utilities, roads and other paved areas

- f) Topographic contours
  - g) Critical areas
  - h) Waterways, bodies of water, drainage patterns, and watershed boundaries
  - i) Vegetation
  - j) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
  - k) Erosion and sediment control measures
  - l) Areas of soil disturbance
- 2) Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

### **16.3.2 Final Plan Requirements**

The Board shall require each of the following in the final plan unless specifically waived:

- 1) Site drawing of existing and proposed conditions:
  - a) Locus map showing property boundaries
  - b) North arrow, scale and date
  - c) Property lines
  - d) Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal
  - e) Topographic contours at two-foot intervals
  - f) Extent of 100-year flood plain boundaries if published or determined
  - g) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
  - h) Easements
  - i) Areas of soil disturbance
  - j) Areas of cut and fill
  - k) Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled as delineated by a certified wetland professional

- 1) Location of all structural and vegetative erosion and sedimentation control measures
- m) Identification of all permanent control measures
- 2) Narrative section including:
  - a) Construction schedule
  - b) Earth movement schedule
  - c) Description of temporary and permanent vegetative measures including seeding specifications
  - d) Description of all structural erosion and sedimentation control measures, with detailed drawings of each
  - e) Design calculations for all temporary and permanent structural control measures
  - f) Proposed schedule for the inspection and maintenance of all measures
  - g) Identification of all permanent control measures and responsibility for continued maintenance
  - h) Calculations showing volume, peak discharge, and velocity of, present and future runoff

#### **16.4 Responsibility for Installation/Construction**

The applicant shall bear final responsibility for the installation, construction and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Board may require a bond or other security as described in Subsection 15.8.10 Site development shall not begin before the erosion and sediment control plan is approved and the control measures are installed as scheduled in the approved plan.

#### **16.5 Maintenance**

The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails to adequately maintain such measures, the Town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.

#### **16.6 Plan Approval and Review**

The Board shall indicate its approval of the erosion and sediment control plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant. Technical review of any erosion and sediment control plan prepared under this regulation shall be reviewed by the consulting engineer at the applicant's expense.

## **16.7 Inspection**

Inspection shall be made by an agent of the Board during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

## **16.8 Other Required Permits**

In addition to local approval, the following may be required. RSA 485-A: 17 requires a permit from the New Hampshire Department of Environmental Services for any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff. Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the State.

# **ARTICLE 17 - UTILITY DESIGN STANDARDS**

## **17.1 Utility Structures**

The applicant proposing a subdivision shall ensure the installation of all electric, telephone, and other utility distribution lines per specifications of the public utility companies involved, and easements required for transformer units shall be provided by the developer.

- 1) Underground Utilities - All utilities shall be installed underground. The subdivider shall install all necessary mains, branch offsets to each lot, and fire hydrants or other fire protection measures required in accordance with Section 14.5.
- 2) Waivers - Where a waiver is requested to the above, an alternate plan shall be approved that minimizes the visual impact of the utility structures, and provides for tree growth in accordance with Article 20.

## **17.2 Utility Easements**

- 1) All easements dedicating rights to the Town of Nottingham are subject to review and approval by the Board of Selectman and Town Counsel, and any other Town agent or body that the Board of Selectman and/or Counsel deem necessary.
- 2) Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such

easements shall not be less than twenty- five (25) feet in width and shall have satisfactory access to existing or proposed rights-of-way.

- 3) Where a proposed residential development is traversed by a watercourse or drainage way, the Board may require a stormwater easement or drainage right-of-way at least twenty-five (25) feet in width.

## **ARTICLE 18 - SUBSURFACE SEWAGE SYSTEM DESIGN STANDARDS**

### **18.1 Minimum Standards**

No subdivision plan shall be approved where the site does not meet the minimum standards imposed by the New Hampshire Department of Environmental Services and the design standards for sewage systems in this Article.

### **18.2 Test Pits**

Each site or lot proposed for development shall have at least two test pits, separated by at least fifty (50) feet. The test pits shall establish the existence of a contiguous area of 4,000 square feet, or larger per Env-Wq 1014.01, as amended, suitable as a receiving layer for a leaching system. Both test pits and the percolation test area must be located within this area. This area shall be shown on the plan. The entire 4,000 square foot area must meet or exceed all applicable regulations, local, state or federal, for the installation of a septic system. That is, no portion of the contiguous area must be unavailable for the installation of a septic system for any reason.

### **18.3 Hydrogeological Study**

A hydrogeological study, as described in Section 10.7, shall be required for a development where a septic system is being designed to accommodate 2,500 gallons per day, or more.

### **18.4 Design Requirements**

Regarding the installation of on-site sewage disposal systems, the following design standards shall apply.

- 1) Subsurface sewage disposal systems under 2,500 gallons/day must be designed by a septic system designer, licensed in the State of New Hampshire, or a Professional Engineer. All systems must be designed and constructed in accordance with the most recent edition of Subdivision and Individual Sewage Disposal System Design Rules as published by the NHDES.
- 2) Systems over 2,500 gallons/day or 600 gallons/day on ledge lots shall be designed by a permitted designer who is also a civil or sanitary engineer licensed in the State of New Hampshire. All systems are to be constructed in accordance with the most

recent edition of the Subdivision and Individual Sewage Disposal System Design Rules as published by the New Hampshire Department of Environmental Services. (Env-Wq 1003.01 (d)).

## **ARTICLE 19 - WATER SYSTEM DESIGN STANDARDS**

### **19.1 On-site Water Supply**

The provision of an on-site water supply shall conform to criteria of the New Hampshire Department of Environmental Services. It shall be the responsibility of the applicant to provide sufficient and complete information to prove that the site is able to permit the installation of both individual on-site water supply and sewage disposal systems.

### **19.2 Hydrogeological Study**

A Hydrogeological Study, as described in Sections 10.6 #6 and 10.7, shall be required for any well or group of wells within a development based on full buildout with a combined withdrawal of over 20,000 gallons per day.

### **19.3 Well Radius Placement**

- 1) Each newly created lot shall show the entire well radius protection area as required by the NHDES.
- 2) The entire required well radius shall be located within the boundaries of the subdivision.
- 3) Well radius easements covering neighboring parcels are not permitted in new subdivisions. This ensures:
  - a) Protection of health and safety for individual on site water resources from adverse impacts of land uses on adjacent and neighboring parcels.
  - b) Allows for maximum flexibility in the placement of septic systems and other land uses on neighboring parcels of land.
  - c) Promotes the wise and free use of property unencumbered by easements.

## **ARTICLE 20 - LANDSCAPING, RECREATION AND OPEN SPACE STANDARDS**

### **20.1 Landscape Objectives**

The Town of Nottingham requires attention to landscaping design in order to protect and preserve the appearance, character, and value of the surrounding neighborhoods by providing a better transition; by improving the compatibility between various land uses in the Town; and

by buffering neighboring properties and areas from any adverse effects of site development. These regulations shall mitigate the appearance and detrimental impact of non-residential uses. Any application of these regulations shall protect the value and provide for quiet enjoyment and nuisance-free use of neighboring properties.

### **20.1.1 Buffer Strips**

- 1) To the extent feasible, naturally landscaped buffer strips of 25 feet width shall be preserved where a proposed residential development abuts non-residential zones or uses. This buffer shall adequately shield the residential properties from the adverse effects of the non-residential use. No roads shall be located within any part of this buffer zone.
- 2) Where appropriate, existing trees and vegetation shall be incorporated into buffer strips or landscaping design. Buffer strips must contain vegetation that will screen the view from adjacent residential property during all seasons; this screening must exclude visual contact between uses and create a strong impression of the separation of spaces. Fencing alone may be considered an acceptable method of screening only if granted a waiver from the Planning Board.
- 3) Where appropriate or required, subdivisions shall be planned to provide that natural vegetation be retained as a buffer along environmentally sensitive areas such as watercourses, wetlands, and standing waters, in accordance with sound environmental practices, as described by the Department of Environmental Services. Appropriate landscaping along designated Scenic Roadways is strongly encouraged and any tree removal shall only be permitted in accordance with state and local Scenic Roadway provisions.

### **20.1.2 Street Trees**

Where a road is proposed through an open field, or where the existing vegetation will be removed or is of a character such that the road will get no shade in the summer, street trees shall be planted at regular intervals, between 30 and 100 feet, along both sides of the right-of-way as determined to be appropriate by the Planning Board. Such trees shall have a caliper of at least 3 inches at a point six inches above the top of the root ball, and shall be of a suitable hardwood species to ensure that the road is not shaded in the winter. Further, the Board may require removal of coniferous trees along the road where it finds that shade from such trees could cause icing problems. A listing of Recommended Street Trees is included in the Appendix of the Nottingham Site Plan Regulations.

## **20.2 Recreation and Open Space Requirements**

In order to implement the objectives of the Town's Master Plan, the Board may require the dedication or reservation of park, playground or other recreational or open space areas within a proposed subdivision. The Board may require up to 15% of the land proposed for development be set aside for such purposes. If agreed to by the applicant and the Board, the area reserved

may be increased to an amount in excess of 15%. In determining how much land should be reserved the Board will take into consideration the size and type of development, the number of housing units proposed, the proximity of existing recreation and open space areas, the character of the land, and other general planning principles related to identifying the need for such facilities.

### **20.2.1 Public Access to Water Bodies**

A primary goal of the Town's recreation and open space planning efforts is to establish and maintain public access to the significant water resources in the community. In an effort to promote this goal, a developer may, at the discretion of the Board, opt to dedicate public access to a water body as an alternative to the dedication of recreation or open space areas authorized under Section 20.2 above. Such access may include provisions for direct water access, or may be for other uses that are enhanced by close proximity to the waters such as walking paths, picnic areas, and scenic overlooks. To qualify, accesses must be permanently available to the general public.

### **20.2.2 Ownership of Recreation Facilities and Open Space**

The ownership of proposed recreation or open space areas shall conform to the following provisions.

- 1) If owned and maintained privately, said recreation or open space areas may have access restricted to residents of the proposed subdivision. Provisions shall be made to ensure sufficient funding for ongoing maintenance of said facilities, payment of property taxes, and other such expenses, if deemed appropriate by the Board.
- 2) If such areas are offered to and are accepted by the Town, they shall be open to the general public, and there shall be sufficient nearby on-street parking.
- 3) The applicant shall place a permanent deed restriction on each recreation lot, deeming it a non-buildable lot. Further, the deed restriction shall specify what types of recreation development are permitted. The deed restriction shall be shown on the plat, and shall be filed at the Rockingham County Registry of Deeds.

### **20.2.3 Plantings**

Where appropriate, the Board may also require the developer to install such trees and shrubbery within a recreation area that are deemed compatible to the environmental design of the neighborhood. It shall also be stipulated by covenant upon the plan that such open spaces shall not contain signs other than street directional or place-name signs. Upon approval of the final plans and plantings, if the area is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the community. If the recreation facility is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility



of the residents of the subdivision.

#### **20.2.4 Conservation of Natural Features**

The development of all subdivisions shall, to the greatest extent possible, preserve in their natural condition important natural features of the site. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of any natural systems in question. Examples of such areas include, but are not limited to, watercourses, wetland areas, steep slopes, large or unique trees and woodlands, or other unique habitat areas. Natural features that provide buffers between lots or sections of a subdivision should be preserved to enhance privacy and aesthetic value. The establishment of open space areas shall be created with the intent of preserving large unfragmented blocks of habitat that can be linked with other contiguous existing or planned conservation areas located both on- and off-site.

## ARTICLE 21 - DEFINITIONS

Undefined Terms - undefined terms shall have their usual meaning, and the Planning Board shall have the authority to settle disputes.

Defined Terms - for the purposes of this Ordinance, the following definitions apply:

4K AREA- A reserved 4,000 sq. ft. area of land reserved for sewage disposal.

ABUTTER – As defined under RSA 672:3 and 676:4 I any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate the land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A: 1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board

ACCEPTANCE- An affirmative vote by a majority of the Planning Board at a public meeting that an application contains all of the items required by the subdivision regulations.

APPLICANT- Applicant shall mean the owner of record of the land that is proposed to be subdivided, including any subsequent owner of record who proposes such development, or the duly authorized, in writing, agent of any such owner.

APPROVAL- Action by a majority of the Planning Board signifying that the proposal meets all applicable regulations and that there are no unresolved concerns requiring further Board consideration.

APPROVAL WITH CONDITIONS PRECEDENT- Action by a majority of the Board that signifies that not all of the applicable regulations have been met but that only minor revisions or non-discretionary issues such as receiving state permits, bonds to be posted with the Town, or payment of fees are required to meet all applicable requirements. This action is not a [mal action of the Board and plats shall not be signed. Such approvals impose reasonable time limits for compliance.

APPROVAL WITH CONDITIONS SUBSEQUENT- Action by the Board that includes conditions that appear on the plat or within the minutes or decision that place restrictions on the use of the property or safeguards that must be observed during development of the parcel or once the project is in use. Such issues might include the location of a road, preservation of vegetation and stone walls, etc. Such action is a final action and can result in the signing of plats as long as other issues are met.

**ARTERIAL ROADS-** Major roads carrying traffic from collector and local access roads and providing a means of travel from one part of Town to another (See Section 12.2).

**AVERAGE DAILY TRAFFIC-** An estimate of the daily volume of traffic utilizing a road. The value shall be determined by ITE and will be no less than 8 trips per household in residential areas.

**AS-BUILT DRAWINGS-** Drawings which delineate the specific location of site utilities and Roadways upon completion of construction.

**AQUIFER-** For the purpose of this Regulation, aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies.

**BASE-** The elevation that base materials must be brought up to prior to installation of pavement. The base materials are comprised of 12" of bank run gravel and 6" of crushed gravel.

**BOARD-** The Planning Board of the Town of Nottingham, New Hampshire.

**BUFFER-** Land area within which adequate vegetation is maintained or provided to visually separate or screen one use from another and/or to minimize potentially negative impacts on surrounding areas.

**BUILDING INSPECTOR-** The officer or other designated authority charged with the administration and enforcement of the Town Regulations, Zoning Ordinance, and Building Code. Whenever no active Building Inspector is available in Town, this refers to the Board of Selectmen

**BUILD OUT-** Is intended to mean that point in time when all approved lots and/or units along a road have been completed and occupied.

**BUILDING ENVELOPE-** Shall mean the area of a newly created subdivided lot eligible for the placement of dwelling units. Building envelopes are restricted by operation of local federal and state law and can be further restricted in their location by operation of a subdivision approval to enhance the purposes and further the requirements of these regulations.

**CERTIFIED SOIL SCIENTIST -** A person who, by reason of his or her special knowledge of soil classification and mapping as acquired by course work and experience, as specified by RSA 310-A:84, I and II and who is certified by the State of New Hampshire Board of Natural Scientists

**CERTIFIED WETLAND SCIENTIST-** A person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified.

**COLLECTOR ROADS-** Roads that service a number of local roads and/or convey traffic to/from arterial roads (See Section 12.2).

**COMMERCIAL SOIL STRIPPING-** Removal of loam, clay, sand, gravel, peat, quarried stone, or construction aggregate for use off the premises, except when incidental to construction for which a building permit has been obtained.

**COMMERCIAL USE-** Facilities for the sale, lease, trade or delivery of products, goods or services, and their accessory uses. Home Occupations are excluded from this category.

**COMMON AREA-** Land within or related to a development, exclusive of land dedicated as designated open space, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development and/or the Town and may include such complementary structures and improvements as are necessary, appropriate and approved by the Planning Board.

**COMMON FILL-** Earth material from either on-site or off-site that is free from frozen material, foreign debris, clay pockets, peat, organic matter, perishable rubbish and other deleterious materials. Material shall contain no rocks larger than half the compacted thickness of each lift, with a maximum rock of six inches. Remove rocks as required.

**COMMUNITY WASTE SYSTEM-** A non-municipal wastewater disposal system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

**COMMUNITY WATER SUPPLY-** A non-municipal water supply system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

**COMPLETED APPLICATION-** This term refers to the application form with all information completed as requested on the form (with the exception of requested waivers from applicable regulations), all attachments, drawings, approvals, additional studies, and other paperwork as requested in the form, or as specified elsewhere in these regulations, or required by the Planning Board, and all fees and administrative expenses as indicated in these regulations. The information provided shall provide sufficient information to allow the Board to proceed with consideration and to make an informed decision.

**COMPLETENESS REVIEW-** The process used by the Planning Board and/or their designated agent to ensure that all necessary applications/permits/plans/various paperwork required from the applicant have been submitted with the application for Subdivision to be considered for approval by the Planning Board.

**COMPLIANCE REVIEW-** The process in which the Planning Board and/or their designated agent determine that the applicant complies with all of the Town and State regulations as confirmed by the Planning Board or designated agent.

**CRITICAL AREAS-** Disturbed areas of any size within fifty (50) feet of a stream, water body, or poorly or very poorly drained soils; disturbed areas exceeding two thousand (2,000) square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding twenty-five (25) feet on slopes greater than fifteen (15) percent.

**CONSERVATION EASEMENT-** A permanent legal restriction against future development and other activities as specified in the conservation easement deed. An easement may be worded to permit or restrict public access, allow or disallow recreational uses, allow or disallow other uses, such as limited development, agriculture, or forestry. Easements are tied to the title of the land, regardless of subsequent ownership and runs with the land in perpetuity.

**CONSERVATION LAND-** Land owned by a public body, land trust, conservation organization, individual(s) or other group for the purpose of the protection of natural resources or scenic, cultural, historic or archeological values, the provision of open space, and/or for passive recreational use and which is permanently restricted from development or intensive use and protected in perpetuity in a substantially undeveloped state by legally binding arrangements.

**CROWN-** The elevation of a road surface at its center above its elevation at its edges.

**CURB-** The granite edging of a sidewalk or paved street.

**CURB RADIUS-** That radius that pavement must obtain when a street flares into an intersection.

**DEAD END ROAD OR STREET-** A street with entrance and exit at the same end. Such streets have a cul-de-sac or alternative terminus treatment at the end of the street. Dead end streets are a type of local access road.

**DESIGNATED AGENTS-** A person or agency who has been designated to perform some duty or carry out some specific role as appointed by the Planning Board or Town.

**DESIGNATED OPEN SPACE -** Reserved land that is permanently protected from further development and remains in a natural condition or is managed according to an approved management plan for natural resource functions, e.g., forestry, agriculture, habitat protection, passive recreation or limited uses as approved by the Planning Board under this ordinance as part of an Open Space Subdivision.

**DEVELOPMENT-** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DISTURBED AREA-** An area where the natural vegetation has been removed exposing the underlying soil.

**DRAINAGE-** All drainage systems catch basins, drains, ditches, culverts, pipes, mains and other similar structures.

**DRIVEWAY-** An area located on a lot, tract or parcel of land and built for access from a street to a garage or off-street parking space.

**DUPLEX-** Shall mean a residential structure containing two (2) dwelling units. Each of the units shall have separate entrances and exits, and be separated by a common fire wall. Driveway and parking areas may be shared.

**DWELLING UNIT-** A building or that portion of a building consisting of one or more rooms designed for living and sleeping purposes, including kitchen and sanitary facilities and intended for occupancy by not more than one family or household.

**EASEMENT-** A right of use which one party may have in the land of another, often but not limited to, a strip of land used or intended to be used for the location of utilities, drainage ways, or access to the property.

**ENGINEER OR SURVEYOR-** These terms shall denote the duly designated, legally recognized, New Hampshire licensed engineer or surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA 310-A, as amended.

**EROSION-** The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**ESCROW-** A conditional delivery of money by a developer to a bank to be held until such time as the conditions of final plat approval have been satisfactorily complied with.

**FIT FOR BUILDING-** Any land, which is not classified as floodplain, wetland, watershed protection area, drainage way, and does not have slopes of twenty-five (25%) percent or more and where soil tests indicate suitability.

**FORMAL APPLICATION-** Subdivision Application Part I and Part II; or Lot Line Adjustment Application.

**FLOOD HAZARD AREA-** That portion of land, as designated on the most current Flood Insurance Rate Maps or on the Flood Boundary and Floodway maps of the Town of Nottingham, that, on the average, is likely to be flooded once every one hundred (100) years, i.e., that has a one percent (1%) chance of flood occurrence in any given year.

**FRONTAGE-** The length of the lot bordering on a Class V road or better.

**GRADE-** The slope of a road, channel or natural ground.

**GROUNDWATER-** All the water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.

**GROUNDWATER RECHARGE-** The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface water, including lakes, streams, and wetlands

**HARDPAN-** This term refers to a compact soil layer high in silt and very fine sand, generally low in clay; its permeability is less than 0.6 inches per hour.

**HEADWALL-** A structure protecting the exposed ends of drainage structures from erosion and directing the flow of water into the structure. Headwalls are typically constructed of reinforced concrete, mortared stone or granite slabs.

**HIGHLY ERODIBLE SOILS-** Any soil with an erodibility class of high or very high, in any horizon, as found in the table entitled Erodibility (K) Values of B and C Horizons for Soils of New Hampshire of the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire".

**HOME OCCUPATION-** Means an approved accessory use of a residential property for gainful employment involving provision or sale of goods and/or services. A home occupation is incidental to the primary use of the property as a residence.

- 1) Minor Home Occupation is a home occupation in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create a need for off-street parking beyond normal dwelling needs, which does not generate additional traffic. Minor home occupations shall not require a permit.
- 2) Major Home Occupation is a home occupation in which not more than one person other than members of the family residing on the premises is employed on the premises, and which accommodates both dwelling and home occupation parking needs off the street. A major home occupation shall require a permit from the Planning Board.

**HOMEOWNERS ASSOCIATION-** A private corporation, association, or other legal entity organized in accordance with state law and established by the applicant or the member individuals for the benefit and enjoyment of its members, including oversight and management of common open space, designated open space, and/or shared facilities.

**IMPROVEMENT-** This term shall refer to site grading, landscaping, and street or road construction, and the installation of utilities (including water, sewer, electric, gas, storm drainage, and their appurtenances) as are necessary for the general preparation of the site for the proposed use. Agricultural and silvicultural activities are not necessarily improvements under this definition and require a case-by-case analysis.

**INDIVIDUAL WASTE DISPOSAL SYSTEM-** This term refers to any sewage disposal and/or treatment system other than a municipal system or community system.

**INDIVIDUAL WATER SUPPLY SYSTEM-** This term refers to any water supply system other than a municipal system or a public water system that provides potable water.

**INDUSTRIAL USE-** Facilities for the manufacture, compounding, processing, packing, treatment or warehousing of goods and products; printing and/or publishing or newspapers, books, etc., laboratories for research and/or testing; and their accessory uses. Home occupation is excluded from this category.

**INHARMONIOUS USE OF WETLANDS-** Those uses incompatible with the purposes of these regulations; provided that, in cases of uncertainty, the use shall be denied; and determined upon

appeal to the Zoning Board of Adjustment in the usual manner determined by statute.

INTERNAL ROAD- Street or streets within a subdivision.

INTERSECTION- That location where two or more streets intersect. In no case shall more than two streets meet at an intersection.

INVERT- The elevation at which the bottom of a pipe is to be set.

LEACHABLE WASTES - Waste materials, including solid wastes, sludge, and wastes that are capable of releasing contaminants to the surrounding environment.

LETTERS OF CREDIT, IRREVOCABLE- A conditional delivery of money by a developer to a nominee mutually agreeable to the Planning Board and the developer. The holder of the money will retain the money until release is authorized by the Town or the money is “called”, that is transferred to the Town of Nottingham. The money will be called by the Town if the developer does not obtain a Certificate of Completion from the Town prior to the expiration date of the security. Upon the expiration date, the money will be transferred to the Town if a Certificate of Completion has not been received by the developer from the Town.

LIMITS OF ROADBED- Shall be defined as that area that the travel way, shoulders, sidewalks and slope grading encompass.

LOCAL ACCESS ROAD- Roads that provide access to dwellings and businesses.

LOT- An area or parcel of land, or any part thereof, which can be legally created under the terms of these regulations and the Nottingham Zoning Ordinance.

LOT ENVELOPE - A two-hundred by two-hundred (200' x 200') foot square or a minimum of thirty thousand (30,000') contiguous square foot upland buildable soil area, depicted on a plat or building permit, which is being designated as a suitable area that can meet all local and State requirements. The thirty thousand (30,000') contiguous square foot areas shall also be of adequate width and/or depth so as not to create an hourglass effect of less than fifty (50') feet at the narrowest point. The lot envelope shall not include either areas unfit for building and their appropriate setbacks or building setbacks.

LOT LINE- A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE ADJUSTMENT- The exchange of abutting land between two (2) or more lots that does not increase the number of lots.

LOT OF RECORD - Land designated as a separate and distinct parcel in a legal deed or plan filed in the Registry of Deeds of Rockingham County, New Hampshire

LOW IMPACT DEVELOPMENT (LID) - A sustainable storm water management strategy with the goal of maintaining or replicating the pre-development hydrologic regime of a development site through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions of storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed



micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time.

**MAINTENANCE GUARANTEE-** An irrevocable letter of credit accepted by the Town to assure that necessary improvements will function as required for a specific period of time.

**MAJOR SUBDIVISION** - A subdivision that creates four (4) or more lots or dwelling units.

**MANUFACTURED HOUSING** - Manufactured housing means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a.

**MASTER PLAN-** The plan or any portion thereof adopted by the Town for the coordinated physical development, including, among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the Town.

**MINOR SUBDIVISION** - A subdivision that creates three (3) or fewer lots or dwelling units.

**MULTIFAMILY DEVELOPMENT COMPLEX** - Shall mean two (2) or more multifamily structures on the same site.

**MULTIFAMILY STRUCTURE** - Shall mean a residential structure containing three (3) or more units, not to exceed four (4) units per building. Each of the units shall have separate entrances and exits and shall be separated by a common fire wall. Driveway and parking areas may be shared.

**NON-CONFORMING BUILDING, STRUCTURE OR USE-** A building, structure or use of land legally existing at the time of enactment of this ordinance and which does not conform to the regulation of the zoning district in which it is situated.

**NONRESIDENTIAL SUBDIVISION-** A subdivision intended to be used for purposes other than residential, such as commercial and industrial. Such subdivisions shall comply with the applicable provisions of these regulations.

**OPEN SPACE SUBDIVISION-** An alternative form of residential development where, instead of subdividing an entire tract into lots of conventional size, a similar number of housing units are arranged on lots of reduced dimensions, with the remaining area of the parcel permanently protected as designated open space.

**OPEN WATER-** Lakes, rivers, ponds and perennial streams as identified on current Soil Conservation Service Maps for the Town of Nottingham.

**OWNER-** Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

**PARENT PARCEL-** Any lot existing as of the date of the adoption of this ordinance.

**PAVEMENT-** For the purpose of these regulations, pavement refers to hot laid bituminous pavement.

**PERFORMANCE GUARANTEE-** Any security acceptable by the Town of Nottingham as a guaranty that improvements required as part of an application for development are satisfactorily completed.

**PLAT OR PLAN-** Refers to the complete set drawings, reports, and accompanying information that comprise a submittal in accordance with these regulations. Statements made by the applicant or applicant's agent at public hearings shall also be considered an integral part of the plat or plan upon which a decision was made.

**PRESITE BUILT HOUSING-** Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. For the purpose of this subdivision, presite built housing shall not include manufactured housing, as defined in RSA 674:31.

**POORLY DRAINED SOILS-** Those characterized as having high water tables within which may be areas suitable for habitable development, if well-planned drainage can be accomplished, designated by High Intensity Soil Survey (HISS) as Class V Soils. The soils identified as poorly drained are:

Soil Symbol	Soil Name
As, Ab, Ac, Ad	Acton and Scituate
Bze	Buxton
Bzg	Buxton and Scantic
Ea	Elmwood
So, Sp, Sr	Sudbury
Sy, Sz, Sza, Szb	Sutton and Woodbridge

**PROJECT AREA-** The area within the subdivision or site plan boundaries affected by erosion and sedimentation control regulations.

**PUBLIC HEARING-** A publicly advertised item on the Planning Board agenda at which public comment on a specific application is heard, as specified under RSA 675:7.

**PUBLIC MEETING-** An open meeting of the Planning Board during which public hearings are held, applications are presented, informal discussions are conducted with interested citizens who request such, and the administrative business of the Board is accomplished.

**RECHARGE AREA-** The land surface area from which groundwater recharge occurs.

**REFERENCES-** Whenever reference is made to any ordinance, law, regulation, map or publication, any amendment or other revision thereto, is to be applicable as of the effective date thereof.

**REGIONAL IMPACT-** Refers to a proposal before the Planning Board that could reasonably be expected to impact on neighboring municipality, because of factors such as, but not limited to, size, proximity to border, transportation, emissions, water resource impact, and shared facilities.

**RESERVE STRIP-** A strip of land between a partial street and adjacent property which is reserved or held for future street extension or widening.

**RESTRICTED COVENANT-** A restriction on the use of land usually set forth in the deed.

**RIGHT-OF-WAY-** Right of access over property including but not restricted to all Town, State, and Federal highways and the land on either side of same as covered by statutes to determine the widths of the rights-of-way.

**SEASONAL HIGH WATER TABLE (SHWT) -** This term refers to the upper limit of the ground water in a soil that becomes seasonally saturated with water.

**SEASONALLY WET SOILS-** Those soils having a water table within 1.5 to 2.5 feet of the ground surface during particular but not specified periods of the year.

**SEDIMENT:** Solid material, either mineral or organic, that is in suspension, which is transported, or has been moved from its site of origin by erosion.

**SENSITIVE AREAS-** This term refers to land and resources that possess environmental, cultural, or historic factors that warrant special consideration during Planning Board review. Such areas may include, but are not limited to, historic homes, stream banks, wetlands, wildlife habitat (plant and animal), trails, etc.

**SETBACK-** The distance between the street right-of-way lines and the front line of a building.

**SETBACK LINE-** The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

**SHOULDER-** That portion of a roadway between the edge of the wearing course and the top of the foreslope of a ditch or embankment.

**SIGHT DISTANCE, ADEQUATE-** That distance, achieved for both vertical and horizontal curves at which a driver, whose eyes are at a height of three and one half feet above the road surface, can see an object one half of a foot in height on the road.

**SLOPE-** The steepness of land surface. Slope is expressed in percent by dividing the change in elevation by a given horizontal distance and multiplying by 100 percent.

SLUDGE - Residual materials produced by a sewage treatment process.

SOLID WASTE - Any discarded or abandoned material including refuse, putrescible material, septage, or sludge, as defined by New Hampshire Solid Waste Rules He-p 1901.03. Solid wastes includes solid, liquid, semi-solid, or gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations.

STREAM- Surface water that flows for sufficient times of the year to develop and maintain defined channels but may not flow during dry portions of the year. Includes, but is not limited to, all perennial and intermittent streams located on U.S. Geological Survey Maps.

STREET- As set forth in RSA 672:13, street means, relates to and includes: street, avenue, boulevard, road, land, alley viaduct, highway, freeway and other ways. The term "streets" shall also apply to areas on any plans designated as streets, roads, lanes, etc. the word "street" shall mean the entire right-of-way.

STRUCTURE - That which is built or constructed with a fixed location on the ground or attached to something having a fixed location on the ground, whether installed on, above or below the surface of land. Structure as defined by the Nottingham Zoning Ordinances.

SUB-BASE- That elevation that sub-base materials must be brought up to prior to the installation of base materials and pavement.

SUBDIVISION- Means the division of a lot, tract, or parcel (which may include one or more tracts, lots, or parcels) of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale, rent, lease, condominium conveyance, or building development: The term includes resubdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision for the purpose of these regulations, in accordance with RSA 672:14, as amended.

SUBMISSION- This term refers to the process of applying to the Board for subdivision plan review. Formal submission is the presentation of a subdivision plan to the Board at a public hearing, and is a prerequisite for acceptance of the plan as a "Completed Application."

SURVEYING- Any service or work, the adequate performance of which involves the art of locating and measuring lines, angles, features for the purpose of determining areas for the monumenting of property and for the platting and layout of lands and for the preparation and perpetuation of plats that represent these surveys. Land surveyors are required to hold a license from the State of New Hampshire.

TERRAIN CLASSIFICATION- As there is a wide variation of existing slopes in this region, streets must be designed to work with the existing topography. The terrain classification is representative of existing topography of the area on which a street is to be constructed. When a question arises as to which classification a street should be, the Planning Board shall make the final determination.

- a) Level - Existing grades of 0 - 8
- b) Rolling - Existing grades of 8.1 - 15

c) Hilly - Existing grades of > 15

**THIRD PARTY-** An independent consultant or firm hired by the Board or Town, at the applicant's expense, to evaluate and provide a report of findings to the Board.

**TOWN-** Town of Nottingham officials and/or employees, or its designated agents.

**TOXIC OR HAZARDOUS MATERIALS-** Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of the Town. Toxic or hazardous materials include, without limitation, volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids, and alkalis, and include products such as pesticides, herbicides, solvents and thinners, and such other substances as defined in New Hampshire Water Supply and Pollution Control Rules, Section Ws 410.04 (1), in New Hampshire Solid Waste Rules He-P 1901.03 (v), and in the code of Federal Regulations 40 CFR 261 as amended.

**UNFIT FOR BUILDING-** Any land, which is classified as a floodplain, wetland (by soil type), watershed protection area, excessive slope of twenty-five (25%) percent or more, drainage ways, or where soil tests indicate unsuitability for subsurface waste disposal.

**UNSUITABLE MATERIALS-** Those materials that tend to deteriorate a street if left in place, such as loam, peat, vegetative or organic matter, roots, stumps, boulders, ledge, clay muck and other material deemed unsuitable by the Town in the field.

**VERNAL POOL-** A seasonal body of standing water that typically forms in the spring from melting snow and other runoff, dries out completely in the hotter months of summer, and often refills in the autumn. Vernal pools range from broad, heavily vegetated lowland bodies to smaller, isolated upland bodies with little permanent vegetation. They are free of fish and provide important breeding habitat for many terrestrial or semiaquatic species such as frogs, salamanders, and turtles.

**VERY POORLY DRAINED SOILS -** Those in areas of periodic flooding and/or those having the most severe limitations because of high water table as designated by High Intensity Soil Survey (HISS) as Class VI Soils.

The soils identified as very poorly drained are:

Soil Symbol	Soil Name
Ba, Bb	Balch and Littlefield
Fa	Fresh water marsh
La, Lb	Liechester and Ridgebury
Lc, Ld	Liechester and Ridgebury and Whitman
Ra, Rb	Rumney and Saco
Sc	Scantic
Sd	Scarboro
Wa	Walpole
Wc	Walpole and Scarboro
Wh	Waterboro
Wo	Whitman

**WETLANDS-** Wetlands means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adopted for life in saturated soil conditions.

**WETLAND CONSERVATION AREA-** Refers to those areas in the Town as outlined on the Official Town Soil Conditions Map, based on the U.S.D.A. Soil Survey in Rockingham County, 1994 and as superimposed on other use districts under the *Nottingham Zoning Ordinance*.

**WORKFORCE OPEN SPACE DEVELOPMENT-** An Open Space Development that provides rental or ownership housing opportunities to households based on the following standards:

- 1) workforce rental housing is defined as a housing unit that has a monthly rent not exceeding 30 percent of the gross income of a household earning no more than 60 percent of the median income for a 3-person household for the Western Rockingham Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development
- 2) workforce ownership housing is defined as housing that can be purchased at a price, including the combination of mortgage loan debt service, property taxes and insurance, that does not exceed 30 percent of the gross income of a household earning no more than 100 percent of the median income for a 4-person household for the Western Rockingham Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development.

**YIELD PLAN-** A yield plan is a plan for a conventional subdivision for the subject property used to calculate the number of potential lots and which complies with the requirements for a conventional subdivision.

## **APPENDIX**

1. List of current road names in Nottingham with public/private status
2. List of Scenic Designated roads/streets
3. List of pre-approved future road names to be used in Town
4. Map of fire cistern and dry hydrant locations
5. Nottingham Fire Department Cistern Specifications
6. Road Design Cross-Section

**APPENDIX 1**  
**NOTTINGHAM ROADS**

<b>Road Name</b>	<b>Nottingham Tax Map</b>	<b>9-1-1 Map</b>	<b>Ownership</b>
Anna Lisa Way	54,55	60	Town
Autumn Lane	8	31	Town
Barderry Lane	60,63	59, 65, 66	Private
Barrington Road (Route 202)	1	1	State Route
Batchelder Lane	24		Private
Beach Head Road	71	69, 74	Private
Berry Road	41,56	61, 68, 73	Town
Bonser Boulevard	26		Private
Brustle Road	70	78	Private
Cahill Lane	68	70, 71	Private
Camelot Court	37,38	40, 41	Town
Canton Court	39	56	Town
Case Road	8,9,24	31, 36, 43	Town
Cedar Waters Road	23, 26		Private
Church Street	43	48	Town
Cilley Road	57	72, 73	Town C6
Cooper Hill Road	1,16	1, 2, 3	Town
Cove Road	68	71, 76	Private
Cronin Road	1	1	Private
Deerfield Road (Long Hill Rd)	51,52,53,61,76	37, 38, 46, 47, 54, 55	Town
Demerit Pond Road	17,32	10	Private
Devonshire Drive	17	6	Town
Dolloff Dam Road	69,70	75, 76, 78, 79	Private
Dwight Road	44	48	Town
East Lane (Kelsey)	25	50	Town
Flutter Street	37,38,43,44,52,53	47, 48	Town
Fort Hill Road	23,24	35, 43	Town
Fox Run Road	40	57, 62	Town
Francesca Way	42,55	56, 61, 68	Town
Freeman Hall Rd.	3,4,13,14,19,30	8, 12, 15, 18	Town
French Road	67		Town C6
Friar Tuck Lane	7,8	26, 31	Town
Fundy Launch Road (Boat Launch)	76	46, 53	State
Garland Road	14,15,16	4, 7, 8, 11, 12	Town
Gebig Road	17,18,19	6, 10, 11, 14, 15	Town
Gerrior Drive	5	13	Town



Gerrish Drive	38	48, 49	Town
Gile Road (Batchelder(or) Road)	25,26,27,28,37,39,40	33, 34, 41, 42, 49, 50, 57, 62	Town
Gravel Pit Road	13		Town C6
Gravel Road	50		Private
Haines Road	16	2, 4	Town C6 & C5
Hall's Way	43	48	Town
Harvey Lane	24		Private
Highland Avenue	67	71	Private
Indian Run	70	75	Private
Jampsa Trail	71, 72	74, 77	Private
John Commander Lane	24		Private
Kelsey Road	24,25	43, 50, 51	Town
Kenison Pond Road	32	10	Private
Kennard Road	6,11,12,13	12, 15, 16, 19, 20, 21, 25	Town
King Fisher Road	23,24	35	Private
Lake Side Road	26		Private
Lake Side Road East	26		Private
Lakeview Drive	71	69	Town
Lamprey Drive	68,70	75, 78	Private
Langley Lane	24	43	Private
Lavoie Drive	25,26	42, 50	Town
Layne Farm Road	8	26	Private
Ledge Farm Road	54,55,58,59,65	55, 60, 67, 72	Town
Lincoln Drive	3	8	Town
Little John Lane	24	43	Private
Little River Road	23	30, 35	Town
Lookout Point	71	69	Town
Lucas Pond Road	17	6	Town
Maple Ridge			
Marston Lane (now Swan Dr.)	24	N/A	Private & Town
Mary Mac Road	26		Private
McCrillis Road	25,26,38,39,41,43	42, 43, 48, 49, 50	Town
McDaniel Road	6,7	17, 21	Town
Meindl Road East	70	78	Private
Meindl Road	70	78	Private
Mendum's Landing Road	5	17	Private
Merry Hill Road	3	9, 13	Town
Michela Way	42	56, 61	Town
Mill Pond Road	24	43	Town
Minuteman Lane	4	12	Town
Mitchell Road	6,7,8	21,26,31	Town
Mooers Road	72	74, 75, 77, 78	Private

Mountain Pond Road	76		Private
Mountain Road	72,76	69, 74, 77	State / Town
Nicolas Way	5,6	16, 17	Town
Nielson Road	1	2, 3	Town
North River Lake Road	1	2	Private
North River Lake Road East	1	2	Private
Nottingham Lane	24	43	Private
Oak Ridge Road	9,10	35, 36	Town
O'Brien Way	54,55	60	Town
Old Road	47		Private
Old Turnpike Road (Route 4)	2-7,15,16	4, 5, 8, 9, 12, 13, 16, 17, 20, 21	State Route
Patriots Lane	4	8, 12	Town
Pawtuckaway Road	76	64, 69, 70, 74	State
Pine Street	1	2	Private
Poor Farm Road	41,55,57,58	61, 67, 68, 72	Town
Priest Road	13,19,20,29	15, 18, 19, 24	Town
Raymond Road (Route 156)	43,53,54,59,63,64,66-69	48, 55, 59, 60, 66, 71, 76, 78, 79, 80	State Route
Reservation Road	76 (off Mtn Pond Rd)	58	Private
Revolutionary Lane	4	12, 13	Town
Robin Hood Drive	24	43	Town
Rocky Hill Road	58		Private
Rogier Place	1	2	Private
Rollins Road	56	73	Town
Round Pond Road	61,76	37, 38, 44, 45, 52	Town
Route 152 (Stage Road)	16-19,20,28-30,32,36-38,41-43	4, 6, 10, 14, 18, 24, 29, 33, 40, 48, 49, 56, 61, 62	State Route
Route 156 (Raymond Road)	43,53,54,59,63,64,66-69	48, 55, 59, 60, 66, 71, 76, 78, 79, 80	State Route
Route 202 (Barrington Road)	1	1	State Route
Route 4 (Old Turnpike Road)	2-7,15,16	4, 5, 8, 9, 12, 13, 16, 17, 20, 21	State Route
Sach's Road	71, 72	69, 74, 77	Private
Seaman's Point Road	67, 68	71, 76	Private
Shadow Lane	61	38	Town
Shannon Drive	7	26	Town
Sherwood Lane	24	43	Private
Shore Drive	68	70, 71, 75, 76	Private
Smoke Street	6,7,10,11,23-26	21, 25, 30, 35, 42, 43	Town
Snow Lane	1	1	Private
Sofia Way	5,6	13, 16, 17, 20	Town
South Road (end of Moores)	72	77, 78	Private
South Summer Street	39,40,41	49, 56	Town

Stage Road (Route 152)	16-19,20,28-30,32,36-38,41-43	4, 6, 10, 14, 18, 24, 29, 33, 40, 48, 49, 56, 61, 62	State Route
Stepping Stones Road	8	31	Town
Stevens Hill Road	45,46,47,48,49,52	22, 23, 27, 28, 32, 39, 47	Town
Strawberry Lane	4		Private
Sunrise Lane	1	1	Private
Sutton Street	7	26	Town
Swan Drive (W. Shore Dr.)	24	35, 36, 43	Town
Tayla Way	55	60, 61	Town
Tower Road (State Park Rd)	76	45, 52, 58	State
Tremblay Drive	5	13	Town
Tuckaway Shores Road	70	78	Private
Union Street	1	1, 2	Private
Washington Lane	4	12, 16	Town
Water Street	1	2, 3	Private
West Lane (Kelsey)	25	50	Town
White Oak Lane	43		Private
White's Grove Road	63	65, 71	Private
Winter Street	12 ,20,21		Private

## APPENDIX 2

### DESIGNATED SCENIC ROADS IN NOTTINGHAM

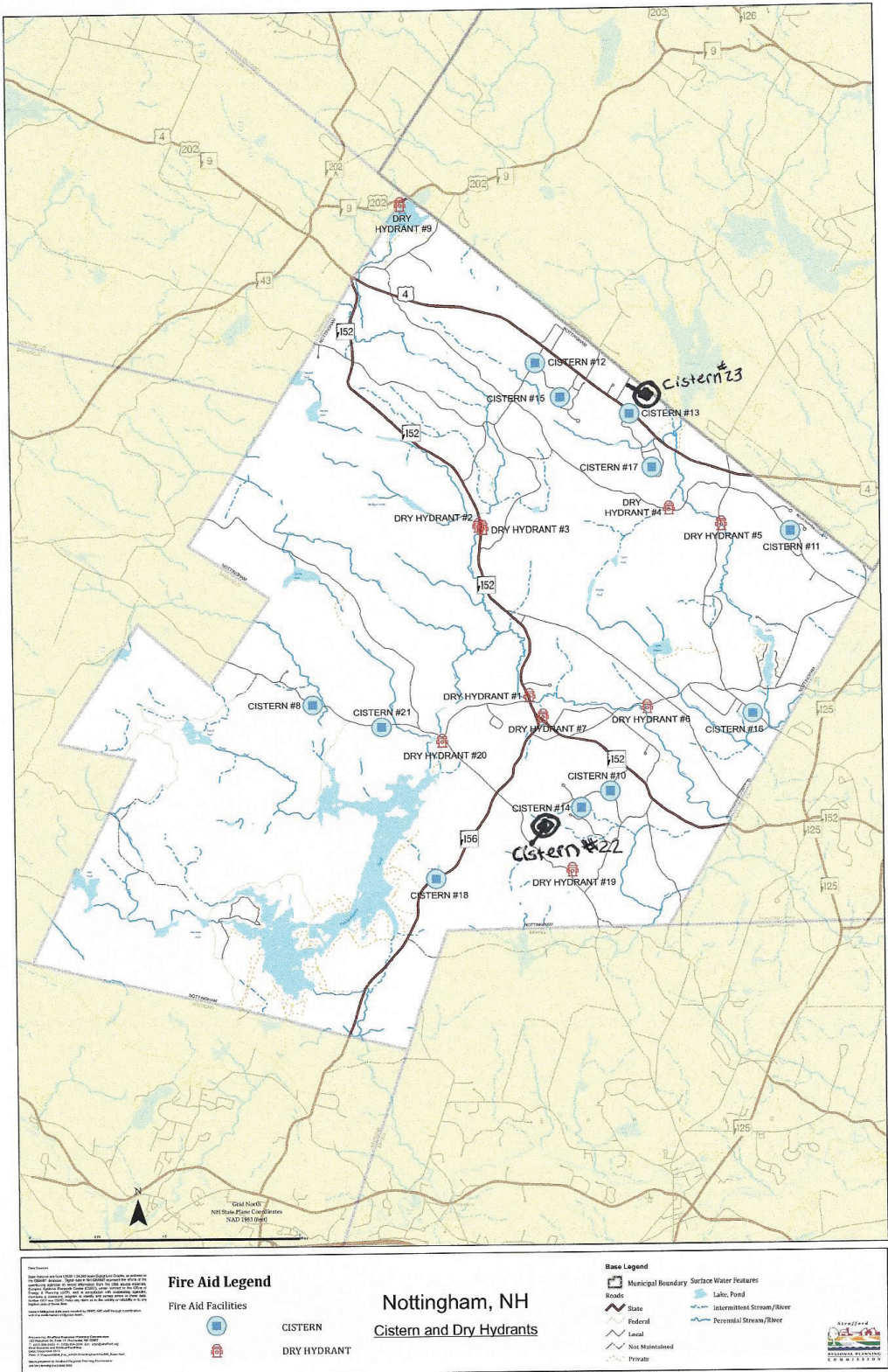
ROAD NAME	NOTTINGHAM TAX MAP
Case Road	8, 9, 24
Gile Road	25, 26, 27, 28, 37, 39, 40
Kennard Road	12, 15, 16, 19, 20, 21, 25
Ledge Farm Road	55, 60, 67, 72
Mitchell Road	21, 26, 31
Poor Farm Road	61, 67, 68, 72
Priest Road	15, 18, 19, 24
Stevens Hill Road	22, 23, 27, 28, 32, 39, 47

# **APPENDIX 3** **PREAPPROVED ROAD NAMES**

<ul style="list-style-type: none"> <li>• <u>War Heroes</u> <ul style="list-style-type: none"> <li>○ Foss- <i>Founding member of the Green Beret WWII</i></li> <li>○ Nelson- <i>WWII KIA</i></li> <li>○ Fernald- <i>WWII KIA</i></li> <li>○ Fellman- <i>WWII KIA</i></li> <li>○ Governor Wentworth</li> <li>○ John Hilton- <i>Wounded in the battle of Bunker-Hill</i></li> <li>○ Zebulon Marsh- <i>Wounded in the battle of Bunker-Hill</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Generals</u> <ul style="list-style-type: none"> <li>○ General Butler</li> <li>○ General Bartlett</li> <li>○ General Dearborn</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <u>"Native Names of New England Towns and Villages" by C. Lawrence Bond.</u> <ul style="list-style-type: none"> <li>○ Amoskeag -Abenaki -a place to fish with hook and line</li> <li>○ Ashuelot - Pennacook -to land in the crotch of a river</li> <li>○ Asquam - <b>Abenaki</b> - green grass</li> <li>○ Passumpsic -Abenaki -upstream from rocky place</li> <li>○ Walllagrass -Abenaki -place to find birch bark</li> <li>○ Winooski- Abenaki -wild onions</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Firemen</u> <ul style="list-style-type: none"> <li>○ Carl Olsson</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• <u>Geological features</u> <ul style="list-style-type: none"> <li>○ Ring Dike Road</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• <u>Flora</u> <ul style="list-style-type: none"> <li>○ Birches</li> <li>○ Goldenrod</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <u>Notable People</u> <ul style="list-style-type: none"> <li>○ Minarik- <i>Author of Little Bear books</i></li> <li>○ Daniel Finch- <i>town was named after him- the Second Earl of Nottingham</i></li> <li>○ Elizabeth Simpson- <i>killed in 1747 Indian Massacre</i></li> <li>○ Robert Beard- <i>killed in 1747 Indian Massacre</i></li> <li>○ Nathaniel Folson- <i>killed in 1747 Indian Massacre</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Fauna</u> <ul style="list-style-type: none"> <li>○ Brooks</li> <li>○ Stone walls</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• <u>Old Roads at Square</u> <ul style="list-style-type: none"> <li>○ Fish St.</li> <li>○ Bow St</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>• <u>Family Names</u> <ul style="list-style-type: none"> <li>○ Scales</li> <li>○ Dame</li> <li>○ Leathers</li> <li>○ Tuttle</li> <li>○ Goodrich</li> <li>○ Chase</li> <li>○ Davis</li> <li>○ Shute</li> <li>○ Marston Rd. (Reserved)</li> <li>○ Deans</li> <li>○ Butler</li> <li>○ Morill</li> <li>○ Hodgdon</li> <li>○ Leathers</li> <li>○ Gove</li> <li>○ Harvey</li> </ul> </li> </ul>

APPENDIX 4

MAP OF FIRE CISTERN AND DRY HYDRANT LOCATIONS



APPENDIX 5

FIRE CISTERN SPECIFICATIONS

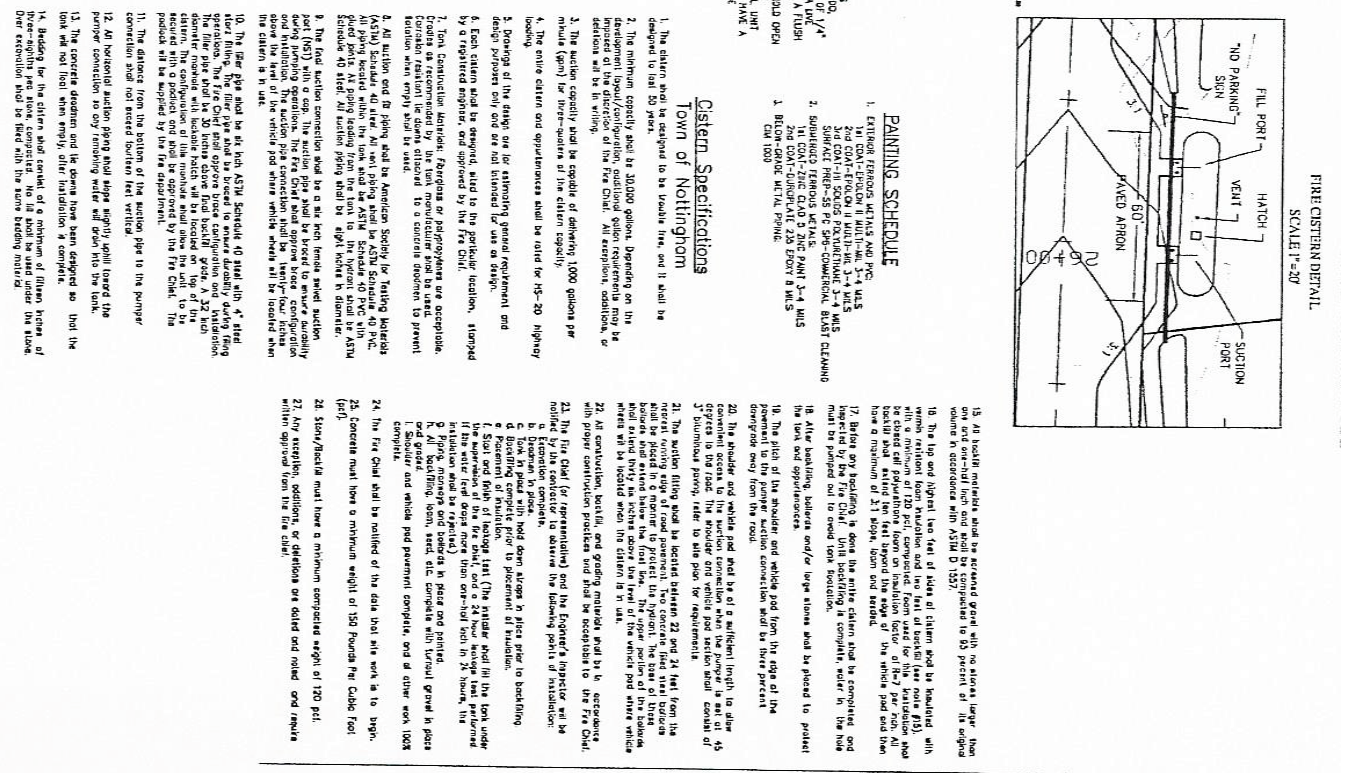
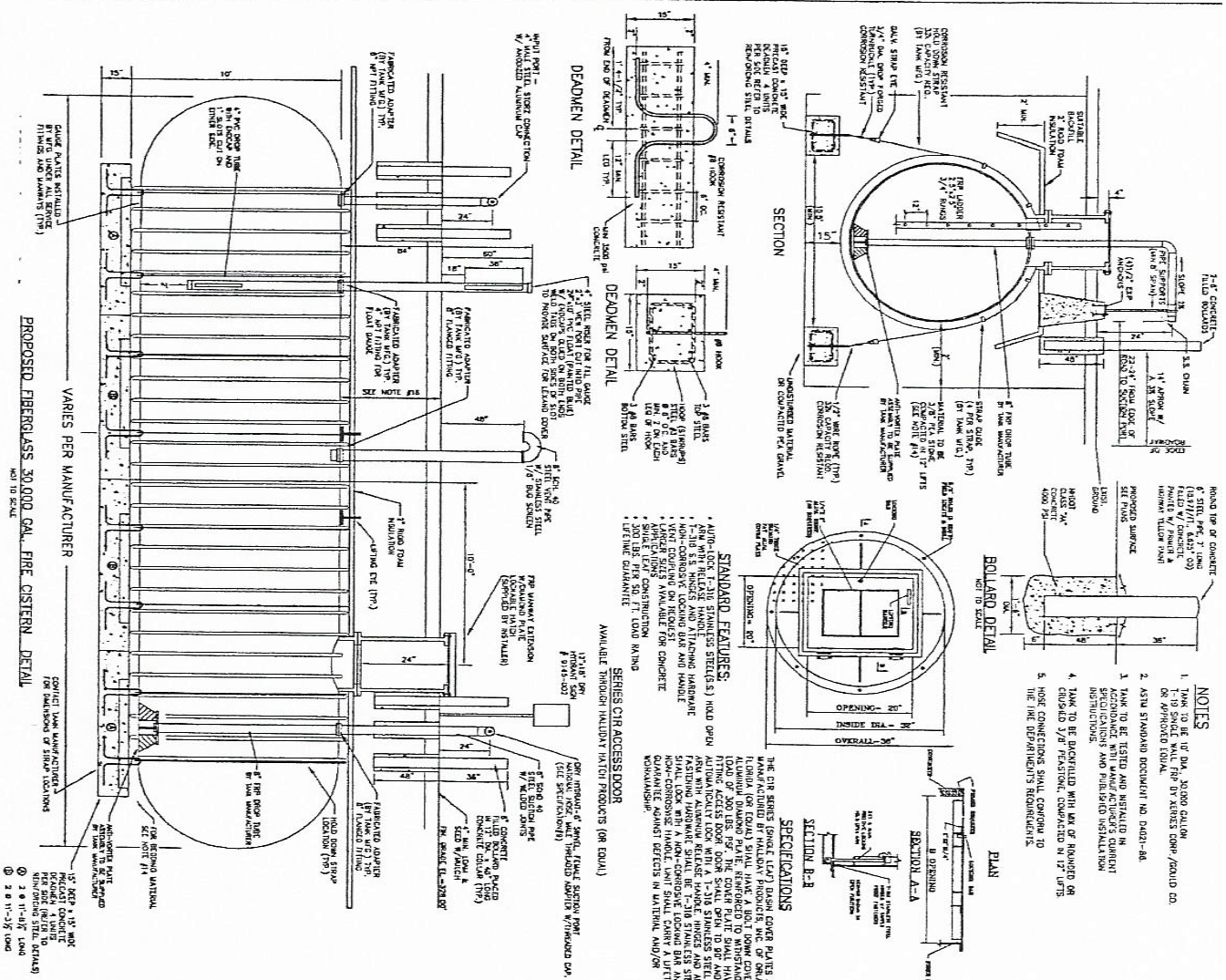


1. The cistern shall be designed to be trouble free, and it shall be designed to last 50 years.
2. The minimum capacity shall be 30,000 gallons. Depending on the development layout/configuration, additional gallon requirements may be imposed at the discretion of the Fire Chief. All exceptions, additions, or deletions will be in writing.
3. The suction capacity shall be capable of delivering 1,000 gallons per minute (gpm) for three-quarters of the cistern capacity.
4. The entire cistern and appurtenances shall be rated for HS-20 highway loading.
5. Drawings of the design are for estimating general requirement and design purposes only and are not intended for use as design.
6. Each cistern shall be designed, sited to the particular location, stamped by a registered engineer, and approved by the Fire Chief.
7. Tank Construction Materials: Fiberglass or polypropylenes are acceptable. Cradles as recommended by the tank manufacturer shall be used. Corrosion resistant tie downs attached to a concrete deadmen to prevent flotation when empty shall be used.
8. All suction and fill piping shall be American Society for Testing Materials (ASTM) Schedule 40 steel. All vent piping shall be ASTM Schedule 40 Steel with. All piping located within the tank shall be ASTM Schedule 40 PVC with glued joints. All piping leading from the tank to the hydrant shall be ASTM Schedule 40 steel. All suction piping shall be eight inches in diameter.
9. The final suction connection shall be a six inch female swivel suction port with a cap. The suction pipe shall be braced to ensure durability during pumping operations. The Fire Chief shall approve brace Configuration and installation. The suction pipe connection shall be twenty-four inches above the level of the vehicle pad where vehicle wheels will be located when the cistern is in use.
10. The filler pipe shall be six inch ASTM Schedule 40 steel with 4" male steel storz fitting. The filler pipe shall be braced to ensure durability during filling operations. The Fire Chief shall approve brace configuration and installation. The filler pipe shall be twenty-four inches above final backfill grade. A thirty inch diameter manhole with lockable hatch will be located on top of the cistern. The configuration of this manhole shall allow the unit to be secured with a padlock and shall be approved by the Fire Chief. The padlock will be supplied by the fire department.
11. The distance from the bottom of the suction pipe to the pumper connection shall not exceed fourteen feet vertical.
12. All horizontal suction piping shall slope slightly uphill toward the pumper connection so any remaining water will drain into the tank.
13. The concrete deadmen and tie downs have been designed so that the tank will not float when empty, after installation is complete.
14. Bedding for the cistern shall consist of a minimum of fifteen inches of three-eighths pea stone, compacted. No fill shall be used under the stone. Over excavation shall be filled with the same bedding material.
15. All backfill materials shall be screened gravel with no stones larger than one and one-half inch and shall be compacted to 95 percent of its original volume in accordance with ASTM D 1557.
16. The top and highest two feet of sides of cistern shall be insulated with vermin resistant foam insulation and two feet of backfill (see note #15). with a minimum of 120 pet, compacted. Foam used for this installation shall be closed cell polyurethane foam an insulation factor of R=5 per inch. All backfill shall extend ten feet beyond

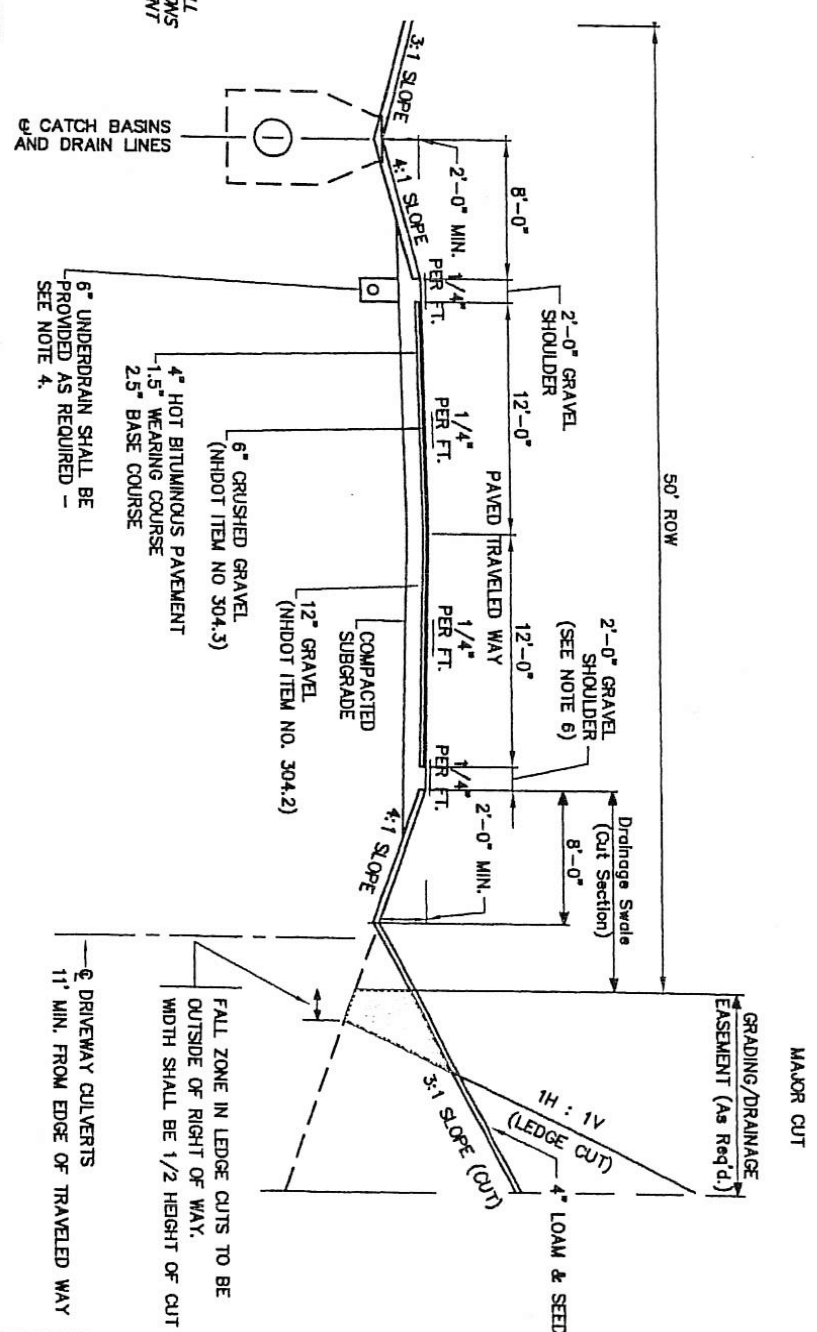
the edge of the vehicle pad and then have a maximum of 3: 1 slope, loam and seeded.

17. Before any backfilling is done the entire cistern shall be completed and inspected by the Fire Chief. Until backfilling is complete, water in the hole must be pumped out to *avoid* tank floatation.
18. After backfilling, bollards and/or large stones shall be placed to protect the tank and appurtenances.
19. The pitch of the shoulder and vehicle pad from the edge of the pavement to the pumper suction connection shall be three percent downgrade away from the road.
20. The shoulder and vehicle pad shall be of a sufficient length to allow convenient access to the suction connection when the pumper is set at 45 degrees to the road. The shoulder and vehicle pad section shall consist of 3" bituminous paving, refer to site plan for requirements.
21. The suction fitting shall be located between 22 and 24 feet from the nearest running edge of road pavement. Two concrete filled steel bollards shall be placed in a manner to protect the hydrant. The base of these bollards shall extend below the frost line. The upper portion of the bollards shall extend thirty six inches *above* the level of the vehicle pad where vehicle wheels will be located when the cistern is in use.
22. All construction, backfill, and grading materials shall be in accordance with proper construction practices and shall be acceptable to the Fire Chief.
23. The Fire Chief (or representative) and the Engineer's Inspector will be notified by the contractor to *observe* the following points of installation:
  - a) Excavation complete.
  - b) Deadmen in place.
  - c) Tank in place with hold down straps in place prior to backfilling.
  - d) Backfilling complete prior to placement of insulation.
  - e) Placement of insulation.
  - f) Start and finish of 24 hour leakage test.
  - g) Piping, manways and bollards in place and painted.
  - h) All backfilling, loam, seed, etc. complete with turnout gravel in place and graded.
  - i) Pavement complete, and all other work 100 complete.
  - j) The tank will be completely filled by installer, prior to final approval.
24. The Fire Chief shall be notified of the date that site work is to begin.
25. Concrete must have a minimum weight of 150 Pounds Per Cubic Foot (pcf).
26. Stone/Backfill must *have* a minimum compacted weight of 120 pcf.
27. Any exception, additions, or deletions are dated and noted and require written approval from the fire chief.





1. ALL ROADWAY MATERIALS AND CONSTRUCTION METHODS SHALL BE IN ACCORDANCE WITH THE LATEST N.H.D.O.T. SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, INCLUDING SUBSEQUENT AMENDMENTS AND EDITIONS.
2. PROVIDE 4" MIN. COMPACTED LOAM AND SEED ON ALL SIDE SLOPES AND DRAINAGE SLOPES UNLESS OTHERWISE NOTED.
3. ALL LEDGE SHALL BE REMOVED TO 6" BELOW SUBGRADE.
4. ROADWAY UNDERDRAIN SHALL BE PROVIDED IN ALL CUT SECTIONS (AT SIDE WITH CUT) AND WHERE SEASONAL HIGH WATER IS WITHIN FOUR (4) FEET OF FINISHED GRADE IN ALL OTHER AREAS. UNDERDRAIN SHALL HAVE A MINIMUM OF FOUR(4) FEET OF COVER.
5. DIMENSIONS ARE FOR MINOR ROADWAYS. SEE SECTION 3.09 - TABLE 1 FOR OTHER ROADWAY DIMENSIONS.
6. WHERE GUARDRAIL IS USED, MINIMUM WIDTH OF SHOULDER SHALL BE 6'-0" WITH FACE OF GUARDRAIL AT 3'-0" FROM EDGE OF TRAVELED WAY.



# TYPICAL MINOR ROADWAY SECTION

NOT TO SCALE